The City Council of the City of Raleigh met in regular session on Tuesday , April 3, 1984 at 1:00 p.m. in the City Council Chambers of the Municipal Building with the following present:

Mayor Upchurch, Presiding
Ms. Babb
Mrs. Block
Mr. Calloway
Ms. Cates
Mr. Congleton
Mr. Keller
Mr. Walters

Mayor Upchurch called the meeting to order and invocation was rendered by the Reverend Cally Rogers-Witte of Community United Church of Christ after which the following matters were discussed with actions taken as shown.

RECOGNITION OF SPECIAL AWARDS

PROCLAMATION - SPRING CLEAN-UP MONTH - PROCLAIMED

Mayor Upchurch read a proclamation proclaiming April, 1984 as Spring Clean-Up Month in the City of Raleigh. Mrs. Martha Maynard and Vallie Henderson, representing HANDS, were at the meeting to receive the proclamation. In presenting the proclamation, Mayor Upchurch explained the work of HANDS and the clean-up being conducted by HANDS in association with the City of Raleigh Public Works Department.

PROCLAMATION - BECAUSE WE CARE DAY - PROCLAIMED

Mayor Upchurch read a proclamation proclaiming April 4, 1984 as Because We Care Day in the City of Raleigh. The proclamation was received by Ms. Kate Hearn, representing AMVETS. Mayor Upchurch indicated he will be visiting the Durham Veterans Center on April 4 with Ms. Hearn and invited all Council Members to attend. Mrs. Block suggested that a copy of this proclamation be forwarded to Retha Jasper, pointing out this is a concern of Ms. Jasper's and maybe the AMVETS Chapter would like to contact her.

CONSENT AGENDA

CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Consent Agenda indicating all items are considered to be routine and may be enacted by one motion. If a Councillor requests discussion on an item, the item will be removed from the Consent Agenda and considered separately. He pointed out the vote on the Consent Agenda would be a roll call vote. Mrs. Block requested that the change order relating to Biltmore Hills/Ridge Road pools be withdrawn. Without objection, this item was withdrawn. Mr. Congleton moved that Administration's recommendation on the remaining items on the Consent Agenda be upheld. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Consent Agenda were as follows:

PRIVILEGE LICENSE APPLICATION - HEALTHWAYS - APPROVED

This is an application for a masseur license requiring City Council approval under City Code Section 12-2136. The applicant's name is Fred L. Stephens. He will be conducting his business at "Healthways," located at 113 West Hargett Street.

The Police report indicates approval.

Recommendation: Approval of this application is recommended. Consent Agenda approval: Congleton/Calloway - 8 ayes.

MUNICIPAL AGREEMENT - DAWSON/MCDOWELL STREET PROJECT - RESOLUTION ADOPTED - FUNDS APPROPRIATED

The City of Raleigh and the State have already executed a Municipal Agreement which provides for the construction of the Dawson-McDowell Connector. One item which was unresolved at that time involved the existing water and sewer lines within the traffic corridor for the project. A proposed agreement has now been developed and submitted to the City for consideration.

Under the terms of this agreement, the Division of Highways will include in their construction project the relocation of various utility mains and the City would reimburse the State for these costs after completion of the project. The estimated cost to the City is $100,000.

Recommendation: It is recommended that the Council adopt a resolution which would approve the agreement and authorize the Mayor to execute the document.

It is further recommended that the following fund transfer be approved:

Transferred From:		
84-2-1650-0000	Raw Water Main - Water Bond	$65,000.00

Transferred To:
84-2-1701-0101 NCDOT Dawson/McDowell - Water Bond $65,000.00

Transferred From:
81-2-1000-0300 Reserve for Council Projects - Sewer Bond $35,000.00

Transferred To:
81-2-1701-0101 NCDOT Dawson/McDowell - Sewer Bond $35,000.00

Consent Agenda approval: Congleton/Calloway - 8 ayes.

RESOLUTION NO. (1984) 484

A motion was made by Councilman Congleton and seconded by Councilman Calloway for the adoption of the following resolution, and upon being put to a vote was duly adopted:

WHEREAS, the City of Raleigh and the North Carolina Department of Transportation, on the 21st day of December, 1983, entered into a municipal agreement for the construction of McDowell and Dawson Streets to South Saunders Street, under Project 8.2433103, Wake County; and,

WHEREAS, the City of Raleigh and said Department of Transportation now desire to enter into a supplemental agreement to provide for the adjustment and relocation of certain municipally owned water and sewer lines by the Department's construction contractor, under Construction Project 8.2433103; and,

WHEREAS, said agreement will provide for the City of Raleigh to reimburse the Department of Transportation for the costs of the work for which the City is responsible, said reimbursement to be made upon completion of the work.

NOW, THEREFORE, BE IT RESOLVED that the supplemental agreement for Project 8.2433103, Wake County, is hereby formally approved by the City Council of the Municipality of Raleigh and that the Mayor and Clerk of this Municipality are hereby empowered to sign and execute the agreement with the Department of Transportation.

SANITARY SEWER EXTENSION - BASHFORD ROAD - APPROVED WITH CONDITIONS

This is a request from Mr. William Stevens requesting permission to extend a sanitary sewer main to his property on Linda Place. The sewer extension would be a further extension of the proposed sewer to serve the Bashford Ridge Subdivision which is located on the north side of this property. The property is located outside of the City Limits and would need City Council approval.

Recommendation: It is recommended that the City Council approve the request for the sanitary sewer to serve the Stevens tract based on the following items:

That the applicant submit the detailed engineering construction drawings for City and State review prior to construction and that all applicable fees will be paid.

That the main and 20-foot sanitary sewer easement would be installed by the applicant and dedicated to the City upon acceptance of the project.

Consent Agenda approval: Congleton/Calloway - 8 ayes.

STREET CLOSING - ILEAGNES ROAD - RESOLUTION OF INTENT ADOPTED

The Raleigh City Council has been petitioned to close a portion of Ileagnes Road, being located north of the intersection with Olympia Drive as shown on a map included in the Council Members' Agenda packet.

The right-of-way of this section is unimproved and no utility lines are located within the subject area. As a result of the subdivision of the adjacent property, known as the Raleigh Southern Industrial Park (S-163-83), Ileagnes Road has been realigned, thus leaving the original dedication of Ileagnes with a duplicate street name.

A copy of the revised location plan of Ileagnes Road was included in the Council Members' Agenda packet.

Staff review notes that a street name change is necessary to the road south of Olympia Drive that is now shown as Ileagnes Road.

Recommendation: It is recommended that the Council adopt a Resolution of Intent to close this proposed right-of-way and set a date for a public hearing with a stipulation that the remaining existing road be renamed. Consent Agenda approval: Congleton/Calloway - 8 ayes.

RESOLUTION NO. (1984) 485

A RESOLUTION OF INTENT TO CONSIDER CLOSING ILEAGNES ROAD RIGHT-OF-WAY AS DESCRIBED HEREIN AND DIRECTING NOTICE OF PUBLIC HEARING

WHEREAS, the City Council of the City of Raleigh, North Carolina, pursuant to North Carolina General Statute 160A-299, intends to close permanently the following street right-of-way:

Beginning at a point in the northern right-of-way of Olympia Drive where said road begins to curve into Ileagnes Road and being the southwest corner of Lot #8 as shown on a map entitled, "Raleigh Southern Industrial Park", Map No. 2, recorded in Map Book 1979, Page 336; runs thence in a northwesterly direction, an arc distance of 39.27 feet with a radius of 25'; runs thence N 5° 57.9' E 175 feet; thence N 84° 02.1' W60'; thence S 5° 57.9' W 200' to a new point, thence along a new line S 84° 02.1' E 85' to the point of beginning.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the section of the street referred to above is intended to be closed permanently.

Section 2. That a public hearing will be held on Tuesday, May 15, 1984, in the Council Chamber, Room 315, Municipal Building, Raleigh, North Carolina, at 7:00 p.m., or as soon thereafter as the matter can be reached.

Section 3. That a copy of this resolution be mailed by certified mail to all owners of lots abutting on the above named streets.

Section 4. That a copy of this resolution be published in a daily newspaper in the City of Raleigh once a week for four consecutive weeks.

Adopted: 4/3/84

WASTEWATER TREATMENT PLANT - ENGINEERING SERVICES AGREEMENT - CONTRACT WITH HAZEN AND SAWYER - APPROVED - FUNDS APPROPRIATED

At the March 20, 1984, Council Meeting, Administration was authorized to negotiate a design services contract with Hazen and Sawyer, P.C., for the next level of work needed at the wastewater treatment plant involving modification to the aeration system.

An agreement has been negotiated which is consistent with the terms of the present contract with this firm for the work now under contract at the treatment plant. The fee schedule is based on actual time plus an overhead multiplier with a ceiling set at the ASCE curve. Resident inspection costs are considered as an addition to this fee.

Recommendation: It is recommended that Council approve this agreement and the following budget amendment by increasing:

Revenue Account		
81-1-0090-0220	Carry Over Reserve	$240,000.00
Expense Account		
81-2-1081-0102	NRWWTP-P2 - ENGR	$235,000.00
81-2-1081-0104	NRWWTP-P2 - MISC	5,000.00
		$240,000.00

Consent Agenda approval: Congleton/Calloway - 8 ayes. See Ordinance 315 TF 18.

ORDINANCE NO. (1984) 329

AN ORDINANCE TO AMEND THE 1983/1984 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1983/1984 Budget be amended as follows to reflect fund availability of reserves:

Revenue:	81-1-0090-0220	Carry Over Reserve	$240,000.00
Expense:	81-2-1081-0102	NRWWTP-P2-Engr.	$235,000.00
	81-2-1081-0104	NRWWTP-P-2-Misc.	5,000.00

Adopted: 4/3/84

PERSONNEL - ADDITIONAL POSITION IN DOT - APPROVED

The Transportation Department has had a very stable staffing level for a number of years. Recent conditions have caused a need to assess the staffing level, such as the growth in development plans to be reviewed, major update of the Transportation Plan, more work in collector street planning and refinement in newly developing areas, and more attention to thoroughfare alignments in rapidly developing areas.

The Transportation Director has proposed that one additional position be added at this time rather than in the budget process because of the demands noted above. The proposed position would be a Traffic Engineer I at a Pay Grade 36. Funding for this position can be 50 percent from FHWA Grant and 50 percent City funds. On this basis, the approximate annual cost to the City for direct salary is $10,214.

Recommendation: It is recommended that a position of Traffic Engineer I be approved in the Transportation Department to be effective on May 1, 1984. Consent Agenda approval: Congleton/Calloway - 8 ayes.

BIDS - CIVIC CENTER ADDITION - JOINT AWARD MADE TO SECURITY BUILDING COMPANY, TRIANGLE MECHANICAL, WATCO CORPORATION AND BITTING ELECTRIC, INC.

Pursuant to advertising as required by law, bids were received and publicly opened on March 14, 1984 for the addition of restrooms and storage areas on the west side of the Civic Center with results as follows:

General Construction:	
Security Building Co., Inc., Chapel Hill, NC	$389,800
Plumbing:	
Triangle Mechanical Contractor, Inc., Garner, NC	41,604
Heating, Ventilating and Air Conditioning:	
Watco Corporation, Raleigh, NC	16,290
Electrical:	
Bitting Electric, Inc., Cary, NC	14,978

Recommendation: It is recommended that the low bids be approved as recommended by the architect for a total cost of $462,672.

It is further recommended that the following fund transfer be approved:

Transferred From:		
40-2-1510-0100	C.C. Modifications Civic Center Bond Fund	$470,372.00
Transferred To:		
40-2-1510-0101	Civic Center Additions (Gen. Cont.)	$389,800.00
40-2-1510-0102	Civic Center Additions (Architect Fee)	7,700.00
40-2-1510-0105	Civic Center Additions (Plumbing)	41,604.00
40-2-1510-0106	Civic Center Additions (HVAC)	16,290.00
40-2-1510-0107	Civic Center Additions (Electrical)	14,978.00
		$470,372.00

Consent Agenda approval: Congleton/Calloway - 8 ayes. See Ordinance 315 TF 18.

CITY MARKET PROJECT - PROFESSIONAL SERVICES - CONTRACT EXTENDED

The professional services contracts with Cranston Development Company and Zuchelli, Hunter & Associates will expire at the end of April. The City may extend these contracts by notifying the parties in writing not less than 15 days before the termination date. If Council wishes to do so, this action should be taken at the April 3, Council Meeting. It will require approximately four months to complete the process of submittal for UDAG funding and to ascertain if the project can be financed.

Recommendation: It is recommended that these contracts be extended by four months with no additional appropriation of funds. Consent Agenda approval: Congleton/Calloway - 8 ayes.

TAXICAB OWNERS' PERMITs - APPROVED ON SECOND AND FINAL READING

Applications have been received from the following to operate a taxi. The applications have been checked and meet the requirements of Section 12-2053 of the City Code. The applications were approved on the first reading during the Council Meeting on March 20, 1984. It would be appropriate for the Council to approve this on a second and final consideration.

Willis Bobby Lee Edwards, Dixon Cab Company (New Individual Owner's Permit)

Edward Junious Thornton and Reverend Garland Thompson, Jr., Ebony Cab Company (New Individual Owner's Permits)

Boaz Odhiambo, American Cab Company (New Individual Owner's Permit)

Mrs. Alice Cooper Sutton, Airline Cab Company (New Individual Owner's Permit)

Mrs. Jean C. Martin Watkins, Associated-United Cab Company (New Individual Owner's Permit)

Consent Agenda approval: Congleton/Calloway - 8 ayes.

TAXICAB FRANCHISES - CHANGE OF OWNERSHIPS - APPROVED ON SECOND AND FINAL READING

The following applications for change of ownership of an established taxicab franchise were approved on the first reading during the March 20, 1984, Council Meeting. It would be appropriate for the Council to approve these on a second and final consideration.

In accordance with Raleigh City Code, Section 12-2059, Mr. Hickman Carrington has attested to the fact that he is taking over the operation of Ebony Cab Company from his father, Mr. Otis Henry Carrington, who is deceased.

On February 14, 1984, Mr. Hickman Carrington made an application for Ebony Cab Company.

An investigation of the applicant was satisfactory; therefore, Administration has no objection to Council approval of this change of ownership.

In accordance with Raleigh City Code, Section 12-2059, Mr. Napolean Nesbitt has attested to the fact that he has agreed to turn over his franchise, "Sunrise Cab Company," to Mr. Fred Swan.

It is understood by both parties concerned that once change of ownership takes place, there is an automatic revocation of any owner's permit previously granted to the extent applicable to the operation of such taxicab or taxicabs.

On January 27, 1984, Mr. Fred Swan acknowledged this agreement and at that time made application for the above mentioned franchise.

An investigation of the applicant was satisfactory; therefore, Administration has no objection to Council approval of this action.

Consent Agenda approval: Congleton/Calloway - 8 ayes.

TAXICAB OWNER'S PERMIT - APOLLO OMBAJO - APPROVED ON FIRST READING; TO BE PLACED ON APRIL 17, 1984 AGENDA

Application has been received from the following to operate a taxi. The application has been checked and meets the requirements of Section 12-2053 of the City Code. Approval is recommended. If approved, this application will be placed on the April 17, 1984, Agenda for second and final consideration. Apollo Ombajo, American Cab Company (New Individual Owner's Permit). Consent Agenda approval: Congleton/Calloway - 8 ayes.

AIRPORT SHUTTLE SERVICE - APPROVED ON FIRST READING: TO BE PLACED ON APRIL 17, 1984 AGENDA

It was reported an application has been received from Bhupendra Rai Katoon, Airport Shuttle Service (new franchise) to operate a limousine service. The application has been checked and meets the requirements of the City Code. Administration recommends approval on the first reading with the understanding the application will be placed on the Agenda for April 17, 1984 for second and final consideration. Consent Agenda approval: Congleton/Calloway - 8 ayes.

COMMUNITY DEVELOPMENT - BUDGET AMENDMENT - AUTHORIZED

The Agenda presented a budget amendment in the amount of $58,000 in the Community Development Department to budget funds due from banks adjacent to Market Plaza. Administration recommends approval of the budget amendment as outlined. Consent Agenda approval: Congleton/Calloway - 8 ayes.

ORDINANCE NO. (1984) 314

AN ORDINANCE TO AMEND THE 1983/1984 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1983/1984 Budget Ordinance be amended as follows for funding Civic Center Plaza Project:

Revenue:	30-1-0090-0220	Carry Forward Res.	$ 58,526.00
Expense:	30-2-1000-0100	Urban Renewal Fund #30	58,526.00
Revenue:	39-1-0090-0220	Carry Forward Res.	$ 25,200.00
Expense:	39-2-1000-0100	Misc. Capital Fund #39	25,200.00
Revenue:	40-1-0090-0220	Carry Forward Res.	$ 14,537.00
Expense:	40-2-1000-0100	Civic Center Fund #40	14,537.00
Revenue:	34-1-0090-0220	Carry Forward Res.	$314,700.00
Expense:	34-2-1000-0100	Revenue Sharing Fund 34	314,700.00

REIMBURSEMENT CONTRACT - VARIOUS - MAYOR AUTHORIZED TO SIGN

Four reimbursement contracts have been prepared for Council approval and the Mayor's signature. Costs have been certified by the Central Engineering Department.

Wayneridge Associates for Wayneridge Subdivision

8-inch sanitary sewer to reach subdivision - $17,306.57

8-inch water main to reach subdivision - $9,277.67

8-inch water main within subdivision - $3,152.00

Extra width pavement and intersection cost - $20,996.75

The following acreage fee reimbursement contract has been signed by the applicant and returned for City Council approval and the Mayor's signature. Costs have been certified by the Central Engineering Department.

Snyder-Hunt Corporation - Lake Lynn Area

24-inch, 21-inch, 18-inch sewer mains - Sewer Area 15 - Number 5 - $191,901.09

It is requested that the City be authorized to receive acreage fees for a City-constructed line along Hare Snipe Creek Outfall, constructed prior to installation of the above-referenced Lake Lynn sewer mains. The acceptance date for this City-installed line was November 24, 1982. This contract will expire on November 24, 1992.

Hare Snipe Creek Outfall - 24-inch
Sewer Area 15 - Number 4 - $14,689.40

Recommendation: Approval of the reimbursement contracts is recommended and authority for the Mayor's signature is requested. Consent Agenda approval: Congleton/Calloway - 8 ayes.

STORM DRAINAGE INSTALLATION - PRIVATE PROPERTY - APPROVED

In accordance with Policy Resolution Number (1973)-952(953), Mrs. Lennie S. Dodson has petitioned to have the City install 104 feet of 10-inch pipe across her property at 1228 Pineview Drive. The total cost to the City is $736.08 (Labor - $506.08, Equipment - $230.00). She has secured joint approval from Mr. W. C. Dauterman, 4227 Arbutus Drive, to use the driveway of his property at 1300 Pineview Drive. This is necessary as it is the only access to the rear of her property. It is understood by the petitioner and by the joint signer that the City will be held blameless for any damage to the driveway in the accomplishment of this project so long as due care and caution are exercised. All access will be provided and the property left in a rough graded condition.

Recommendation: Approval is recommended. Consent Agenda approval: Congleton/Calloway - 8 ayes.

CIVIC CENTER - RENT FREE USE - INFORMATION RECEIVED

Approval has been granted for the rent-free use of a meeting room at the Civic Center on Wednesday, March 28, 1984, from 10:00 a.m. to 3:00 p.m. for the Environmental Excellence Program of the City.

LIONS PARK LIGHTING - CHANGE ORDER E-1 - MANAGER'S ACTIONS CONCURRED WITH

The Agenda presented Change Order E-1 relating to Lions Park lighting - Watson Electrical Construction Company. The change order is for an addition of $486. The change order has been administratively approved by the City Manager according to Council procedure. The Agenda outlined the reason for the change order indicating no budget accounts need to be amended. Concurrence with the Manager's actions is recommended. Consent Agenda approval: Congleton/Calloway - 8 ayes.

SOUTHSIDE DAM RESTORATION - CHANGE ORDER NO. 3 - APPROVED - FUNDS APPROPRIATED

The Agenda presented Change Order No. 3 - Wilson Construction Company, Inc. relating to Southside Dam restoration. The change order is for an addition of $5,163.23. The Agenda outlined the reason for the change order as well as the budget accounts to be amended. Approval is recommended by Administration. Consent Agenda approval: Congleton/Calloway - 8 ayes. See Ordinance 315 TF 18.

E. M. JOHNSON WATER PLANT EXTENSION - CHANGE ORDER M-1 - APPROVED - FUNDS APPROPRIATED

The Agenda presented Change Order M-1 - Newcombe and Company related to E. M. Johnson Water Plant expansion. The change order is for an addition of $1,046. The Agenda outlined the budget amendments that would be necessary if the change order is approved as well as the reason for the change order. Administration recommends approval. Consent Agenda approval: Congleton/Calloway - 8 ayes. See Ordinance 315 TF 18.

BILTMORE HILLS PARK LIGHTING - CHANGE ORDER E-1 - APPROVED - FUNDS APPROPRIATED

The Agenda presented Change Order E-1 - Watson Electrical Construction Company relating to Biltmore Hills Park lighting. The change order is for an addition of $8,077. The Agenda outlined the reason for the change order and the budget accounts that would need to be approved if the change order is authorized. Administration recommends approval. Consent Agenda approval: Congleton/Calloway - 8 ayes. See Ordinance 315 TF 18.

ROCK QUARRY ROAD BIKE TRAIL - CHANGE ORDER NO. 1 - APPROVED - FUNDS APPROPRIATED

Change Order No. 1 - Gelder and Associates, Inc. relating to Rock Quarry Road Bike Trail was presented. The change order is an addition of $12,611.25 and is needed to comply with NCDOT encroachment. No budget amendments would be necessary if the change order is approved. Consent Agenda approval: Congleton/Calloway - 8 ayes.

TRANSFERS - ADMINISTRATIVE - MANAGER'S ACTIONS CONCURRED WITH

Council Members received in their Agenda packets a list of administrative transfers that have been authorized according to Council procedure. Concurrence with the Manager's actions is recommended. Consent Agenda approval: Congleton/Calloway - 8 ayes. The transfers were as follows:

From	To	Amount
01-2-1210-265	01-2-1210-298	$ 91.00
01-2-1210-298	01-2-4020-225	40.00
01-2-1210-235	01-2-1210-226	75.00
01-2-5020-617	01-2-5020-921	200.00
19-2-8260-100	19-2-8260-101	950.00
01-2-3080-221	01-2-3080-260	100.00
01-2-5020-705	01-2-5020-717	73.00
01-2-1040-001	01-2-1100-260	100.00
37-2-8994-100	37-2-8994-202	594.00

TRANSFERS - WITHIN VARIOUS ACCOUNTS AND APPROPRIATIONS - ORDINANCE ADOPTED

The Agenda presented a list of recommended transfers in the City Manager's budget, Parks and Recreation, as well as Police Department budget. The Agenda outlined the need for the transfers and code accounts involved. Administration recommends approval. Consent Agenda approval: Congleton/Calloway - 8 ayes. See Ordinance 315 TF 18.

WS 1984-3 - 24-INCH WATER LINE EXTENSION - BID AWARDED TO RGK, INC.; FUNDS APPROPRIATED

The following bids were received for the 24-inch water line extension on U.S. #1 North:

RGK, Inc.	$259,091.00
J. F. Wilkerson Const. Co.	$259,837.20
T. A. Loving, Inc.	$268,650.00
Hawley Construction Co.	$285,859.00
Guard Corp.	$289,126.50

Recommendation: It is recommended that the low bid as submitted by RGK, Inc., be accepted and the contract be awarded and that the following transfer of funds be approved:

Transferred From:		
84-2-1401-0000	North Area Lines	$ 500.00
84-2-1110-0000	54" Water Trans. Mains	259,091.00
		$259,591.00
Transferred To:		
84-2-1407-0104	U.S. 1 North Misc.	$ 500.00
84-2-1407-0101	WS 1984-3	259,091.00
		$259,591.00

Consent Agenda approval: Congleton/Calloway - 8 ayes.

TRAFFIC - REPLACING YIELD SIGN WITH STOP SIGN ON COLEY FOREST PLACE AT WESTWOOD DRIVE - APPROVED

The Agenda presented a recommendation to replace the Yield Sign with a Stop Sign at Coley Forest Place at Westwood Drive. Administration recommends approval. Consent Agenda approval: Congleton/Calloway - 8 ayes.

ORDINANCE NO. (1984) 316

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the Traffic Schedule of the City of Raleigh be amended by adding the following to Traffic Schedule No. 2 entitled "STOP SIGNS":

Coley Forest Place at Westwood Drive

Section 2. That Section 3 of the Traffic Schedule entitled "YIELD SIGNS" be amended by deleting the following:

Coley Forest Place at Westwood Drive

Section 3. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. That this ordinance shall become effective April 10, 1984.

Effective: 4/10/84

END OF THE CONSENT AGENDA

BILTMORE HILLS/RIDGE ROAD POOLS - CHANGE ORDER GC-22 - REFERRED TO PUBLIC WORKS COMMITTEE

This change order is for an addition of $1,964.00.

Reason:

Emergency work required to meet State Soil Erosion recommendations to avoid $100.00 fine per day.

Budget Accounts to be Amended:

From:

38-2-1000-0100	Council Reserve	$1,964.00

To:

38-2-2010-0101	Swimming Pool A	$1,946.00

Mrs. Block indicated she requested that this item be withdrawn from the Consent Agenda questioning if it relates to both pools. City Manager Benton briefly explained the change order indicating it relates to work to change the sediment pool associated with the Ridge Road pool site. Discussion took place as to why this emergency work was required and why it was unanticipated. After which, Mrs. Block moved that Change Order GC-22 and the associated transfer be referred to Public Works Committee. Her motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

SPECIAL ITEMS

REZONING APPLICATION Z-18-84 - NEW BERN AVENUE - APPROVED ON SECOND AND FINAL READING

During the Council Meeting held on March 20, the City Council adopted Ordinance 306 ZC 136 which rezones the property covered by this application to Shopping Center. The vote on the motion received only five votes, therefore, it would be appropriate to consider the ordinance on a second and final reading. (A copy of the ordinance was included in Council Agenda packet.) Mr. Walters moved approval of the ordinance on the second reading. His motion was seconded by Ms. Babb and put to a vote which resulted as follows: Ayes - Walters, Babb, Calloway, Cates, Congleton; Noes - Upchurch, Block, Keller. The Mayor ruled the motion adopted.

REZONING Z-12-84 - FALLS OF NEUSE ROAD - REZONED TO O&I-III: STATEMENT OF INTENT ADOPTED

The Law and Finance Committee presented the following recommendation during the Council Meeting on March 20, however, at the request of Councilman Congleton, no vote was taken on this item as he indicated there were problems relating to water/drainage. He asked that action on the recommendation be deferred two weeks to give the applicant and surrounding property owners an opportunity to work out the problems and allow Administration a chance to look into the problems. It would be appropriate to consider the following recommendation:

The Committee recommends that this property, being Parcel 60, Tax Map 381, be rezoned from Residential-4 to O&I-III. In making this recommendation, the Committee recommends that the Council state the intent that this property, if rezoned, would be the terminus point for nonresidential zoning in this area. (A copy of the staff's water/drainage report was included in the Agenda packet.) Mr. Keller moved the recommendation as outlined be upheld. His motion was seconded by Mr. Walters and put to a vote which resulted in all members voting in the affirmative except Mrs. Block and Mr. Congleton who voted in the negative. The Mayor ruled the motion adopted. See Ordinance 317 ZC 137.

SWIMMING POOLS - ADMINISTRATION AUTHORIZED TO PROCEED WITH LAKE JOHNSON/ATHENS POOL; ADMINISTRATION AUTHORIZED TO MOVE AHEAD WITH DESIGN WORK AT MILLBROOK/EXCHANGE POOL

During the Council Meeting on March 20, 1984, Councilman Congleton moved that the City switch the design phases for the Athens/Lake Johnson Pool with the Millbrook/Exchange Pool as land, etc., is available at Millbrook and the exact location for Athens/Lake Johnson Pool is undecided at this point. Mr. Congleton moved the recommendation as outlined be upheld. His motion was seconded by Mr. Walters.

Mrs. Cates indicated she would like to make a substitute motion that this item go to Public Works Committee for discussion. She stated before the question of the proposed switch came up, she had been looking at the Pool Program from the standpoint of costs of building, operating costs, best geographic locations if the City decides it cannot build six pools, etc. She stated from an operating standpoint she understands it costs 34¢ per person for a swimmer at Optimist versus $15.98 for a swimmer at Chavis. Therefore, she feels that we should look at the cost of operating a community pool versus an olympic pool. She stated everyone knew that the schools wanted to use the pools year round and we need to address that question and look at the Pool Program from a cost standpoint. She stated she feels that these questions need to be addressed and answered; therefore, that is why she is recommending that this item go to Public Works Committee. Her motion was seconded by Mrs. Block.

Discussion took place as to whether the Council has gone on record as being committed to building six pools. Mr. Congleton indicated he felt we had gone on record a number of times and approximately four or five meetings ago, Administration was asked to look into how we would fund pools 5 and 6. He stated, therefore, he believes it would be inappropriate to put this matter in Public Works Committee as Administration will be coming to the Council with a budget and give a recommendation on how the pools are going to be funded and he feels that we should move ahead with construction for six pools. He stated all his motion would say is that George Smart and Associates, who are in the design phase, would switch and work on Millbrook Exchange Pool rather than Lake Johnson until the Lake Johnson site has been settled. He indicated we can go ahead and get into the design phase of Millbrook even if we do not get to the construction phase until later, but at least have some work going on. Mr. Calloway pointed out many Council Members worked long and hard on the bond referendum and he felt everybody was committed to the six pools and we should proceed with pools 3 and 4 this summer. He stated there is precedent for the shift in pools as that occurred in east Raleigh when one of the sites was not ready. He stated, however, each section of the City expects the pool and he thought the City had made that commitment. Mayor Upchurch indicated he feels we are talking about two separate issues. One is pools in general, operation, etc. and the other is the shift in pools. He indicated if Ms. Cates wants to look at the pool question in general in Public Works Committee that is one thing, but the other he feels is another thing. Ms. Cates indicated she does not feel that a study on pools will affect the time schedule in any way, pointing out she is not aware that there is any delay in the pool construction at Athens/Lake Johnson. Ms. Babb indicated perhaps it would be helpful to ask Administration where they are in responding to Mr. Congleton's request on how we would fund the pools. City Manager Benton indicated later in the Agenda the City Council will receive the Council Improvement Program. He stated in that program Administration has identified an approach dealing with the pools. He indicated the Council said build six pools as soon as possible and Administration has tried to show how that can be accomplished. Ms. Babb again pointed out it is her understanding that for the past three years that the City Councils have been committed to building six pools and she remains committed to that. She indicated an affluent city the size of Raleigh can afford that and one of the best things to help protect quality of life, etc. is provide leisure service. Therefore, she is committed to the actions the Council has taken in the past. Mrs. Block indicated she is glad to hear the City Council reiterate support of the things that have been promised to the people in the past such as purchasing all of the land for Lake Johnson, etc. She indicated she has been informed by the architect that there are spots owned by the City on which to put the pool at Athens, and she feels that it is good to bring all of this information and facts together in the Public Works Committee. After other discussion, the substitute motion was put to a vote with results as follows: Ayes - Block, Cates, Keller; Noes - Upchurch, Walters, Babb, Calloway, Congleton. The Mayor ruled the substitute motion defeated.

Discussion took place on the original motion after which Mr. Congleton indicated we have not decided where to put the pool in the Lake Johnson/Athens site. As he understands it, a decision has not been made as to whether to acquire land, put it on land owned by the City, etc. He stated he feels that we should move ahead and approve the design phase for one or another. In response to questions, City Manager Benton indicated a year ago when the inquiry was made as to whether there is land available at the Lake Johnson site, the information was provided that we did have a site on which to place a pool. He indicated, however, several months ago Administration was told that we do not have a site, so we started searching for a site in the area and looking at the possibility of acquiring land. He indicated this has been discussed by the Real Estate Committee and the Real Estate Committee decided the City should try to locate the pool on existing City property. He stated he has not been told by anyone that a site on existing City property has been located with Mr. Walters pointing out as far as he knows, there is no site for the Athens/Lake Johnson pool and if there has, someone should come forth and say so. City Manager Benton indicated he would be glad to research it further. He cautioned the Council to be very careful about site selection for pools. Mr. Upchurch indicated he would have to vote against the original motion. He indicated originally he had planned to vote in favor of it if it was the consensus of the Council, but the motion does not seem to have the consensus. Ms. Babb questioned if it is safe to say that we are not totally clear as to whether or not we have a site at Athens/Lake Johnson with City Manager Benton indicating that is correct. She questioned if it is totally clear that we

have a site at the Millbrook Exchange Park. City Manager Benton indicated the Millbrook Master Plan does identify a site for a pool. He stated the City has not gone out and done field work, surveys, topos, etc. to determine if that is a suitable site, but there is a site identified in the Master Plan. Discussion took place as to whether conditions are the same at Lake Johnson/Athens as they are at Millbrook/Exchange. Lengthy discussion followed as to whether a site is available with Ersell Liles, representing the Parks and Recreation Department, indicating George Smart is in the audience and has worked with the individual sites and he would defer to him for questions. Mr. Walters questioned if we have a site available at Lake Johnson/Athens with Mr. Smart indicating we do not have one that he has been instructed to do any field work on. He stated he has located four different sites that are available, but he has not been instructed to do anything on those four sites. So at this point, he is not doing anything. Ms. Babb questioned if there is a site at Lake Johnson/Athens that Mr. Smart is comfortable with. Mr. Smart indicated there is a site that he has located that he will be suggesting for further study. Ms. Babb made a substitute motion that we go ahead with the work at Lake Johnson/Athens and authorize Administration to go to design for the Millbrook Exchange. Her substitute motion was seconded by Mr. Congleton. Mayor Upchurch questioned if she was talking about soliciting proposals and the design process to move forward, with Ms. Babb indicating that is correct. Discussion took place on the parliamentary procedure that should be followed after which the original motion made by Mr. Congleton and Mr. Walters, was withdrawn as well as the substitute motion made by Ms. Babb and Mr. Congleton. Ms. Babb moved that the City proceed with the work at Lake Johnson/Athens immediately and at the same time authorize Administration to move ahead with the design work, solicitation, etc. at Millbrook/Exchange. Her motion was seconded by Mr. Congleton. Mayor Upchurch questioned how this would fit into the funding mechanism with Ms. Babb indicating this is an authorizing motion not an appropriating motion. After which, the motion, as stated, was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

REPORT OF THE PLANNING COMMISSION

PLANNING COMMISSION - CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Planning Commission Consent Agenda indicating it would be handled in the same manner as the regular Consent Agenda. Mr. Keller requested that CR-5013(Z-43-84) be withdrawn. Mr. Walters requested that CR-5014 (Z-44-84) be withdrawn. Ms. Cates requested that CR-4069 (TC-257) be withdrawn. Mrs. Block requested that CR-5006 (Z-32-84) be withdrawn. Mr. Upchurch requested that CR-5018 (TC-263) be withdrawn. Without objection, these items were withdrawn. Mr. Calloway moved the Planning Commission's recommendation on the remaining items on the Consent Agenda be upheld. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Planning Commission Consent Agenda were as follows:

SUBDIVISION S-23-84 - FALCON RIDGE TOWNHOUSES - APPROVED WITH CONDITIONS

This was a request for approval to subdivide and construct 143 townhouse units on 17.7± acres which are currently undeveloped and zoned Residential-10.

This property is located on the east and west sides of Kaplan Drive, just south of Burgess Court, inside the City Limits.

CR-4092 from the Planning Commission recommended that this request be approved according to a map entitled, "Falcon Ridge Townhouses," the property of Dickson-Floyd Development Corporation, drawn by Priest, Craven and Associates, dated February 17, 1984, with the following conditions: (1) That the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats; and (2) that the request for a variance to Section 10-2075(b)(2 and 3) be denied and that turnarounds be required at the end of the two (2) drives as indicated on the preliminary plan by the Department of Transportation. Consent Agenda approval: Calloway/Cates - 8 ayes.

SUBDIVISION S-19-84 - VILLAGE OF INVERRARY - APPROVED WITH CONDITIONS

This was a request for approval to subdivide a 13.5 acre parcel which is currently undeveloped and zoned Residential-4 into 29 single-family lots.

The property is located on the west side of Litchford Road, just north of Hunting Ridge Road, outside the City Limits.

CR-5000 from the Planning Commission recommended that this request be approved according to a map entitled, "Village of Inverrary," the property of Bennett H. Keasler, Jr., drawn by James R. Billups, P.E., dated February 1, 1984, with the following conditions: (1) That a stormwater management plan and program be developed and approved by the Staff in conformance with the Perry Creek Stormwater Policy being formulated by the City Council; and (2) that all associated development fees required in the Perry Creek drainage area be paid when the project is developed. Consent Agenda approval: Calloway/Cates - 8 ayes.

SUBDIVISION S-51-84 - SUMMERFIELD NORTH CLUSTER UNIT DEVELOPMENT REVISION - APPROVED WITH CONDITIONS

This was a request for approval to relocate one (1) townhouse unit, parking and driveway locations within the townhouse portion of a previously approved plan. The cluster unit development consists of 41.9 acres, zoned Residential-4, approved for 57 single-family lots and 104 townhouses.

The property is located north of Mourning Dove Road, west of Running Cedar Trail and south of Strickland Road, outside the City Limits.

CR-5001 from the Planning Commission recommended that this request be approved according to a map entitled, "Summerfield North Cluster Unit Development Revision," the property of Howard, Perry and Walston, drawn by Kenneth Martin and Cordovia Blackmon, Jr., dated January 23, 1984, with the condition that the legal documents for the homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats. Consent Agenda approval: Calloway/Cates - 8 ayes.

PA-204 - GARNER WALNUT CREEK PUMP STATION - APPROVED

This was a request for approval for a sewage pump station on a 21.74 acre tract which is currently undeveloped and zoned Residential-4.

The property is located at the southern end of Williams Road, outside the City Limits.

CR-5002 from the Planning Commission recommended that this request be approved according to a map entitled, "Garner Walnut Creek Pump Station," the property of the Town of Garner, drawn by Municipal Engineering Services Company, dated March, 1984. Consent Agenda approval: Calloway/Cates - 8 ayes.

SC-229 - LONGVIEW SHOPPING CENTER EXPANSION - APPROVED WITH CONDITIONS

This was a request for approval to construct a 58,000 square foot shopping center in one (1) building on a 6.6 acre tract which is currently undeveloped and zoned Shopping Center.

The property is located on the south side of New Bern Avenue, just east of King Charles Road, inside the City Limits.

CR-5003 from the Planning Commission recommended that this request be approved according to a map entitled, "Longview Shopping Center Expansion," the property of Kerbby Partnership, drawn by Angster Associates, dated March 20, 1984, with the condition that the cross-access agreements be reviewed and approved by the City Attorney's Office and recorded prior to issuance of a building permit. Consent Agenda approval: Calloway/Cates - 8 ayes.

REZONING Z-34-84 - HILLSBOROUGH STREET - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately .6 acre from Neighborhood Business to Shopping Center.

CR-5008 from the Planning Commission recommended that Z-34-84 be approved as requested. Consent Agenda approval: Calloway/Cates - 8 ayes. See Ordinance 317 ZC 137.

REZONING Z-36-84 - DURALEIGH ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 45.6 acres from Industrial-I (41.5 acres) and Conservation/Buffer (4.1 acres) to Office and Institution-I.

CR-5009 from the Planning Commission recommended that Z-36-84 be approved as requested. Consent Agenda approval: Calloway/Cates - 8 ayes. See Ordinance 317 ZC 137.

REZONING Z-38-84 - TEMPLE STREET - DENIED

This was a request for approval to rezone approximately 3.75 acres from Residential-4 to Residential-6.

CR-5010 from the Planning Commission recommended that Z-38-84 be denied. Consent Agenda approval: Calloway/Cates - 8 ayes.

REZONING Z-39-84 - FEATHERSTONE DRIVE - APPROVED

This was a request for approval to rezone approximately 4.8 acres from Residential-4 to Residential-6.

CR-5011 from the Planning Commission recommended that Z-39-84 be approved as requested. Consent Agenda approval: Calloway/Cates - 8 ayes. See Ordinance 317 AC 137.

REZONING Z-42-84 - WAKE FOREST ROAD - DENIED

This was a request for approval to rezone approximately 3.12 acres from Office and Institution-III to Office and Institution-II.

CR-5012 from the Planning Commission recommended that Z-42-84 be denied. Consent Agenda approval: Calloway/Cates - 8 ayes.

REZONING Z-45-84 - INTERSTATE 40 - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 15 acres from Residential-4 to Thoroughfare District.

CR-5015 from the Planning Commission recommended that Z-45-84 be approved as requested. Consent Agenda approval: Calloway/Cates - 8 ayes. See Ordinance 317 ZC 137.

TC-260C - OFFICE AND INSTITUTION-III - LOT COVERAGE AND LANDSCAPING - APPROVED - ORDINANCE ADOPTED

This was a request for approval to amend Sections 10-2037(2) and (3) to require a treescape in the Office and Institution-III district and increase the maximum lot coverage when one story buildings and buildings of two or more stories occur on one lot.

CR-5016 from the Planning Commission recommended that TC-260C be approved as written. Consent Agenda approval: Calloway/Cates - 8 ayes.

ORDINANCE NO. (1984) - 319 TC 212

AN ORDINANCE TO AMEND THE OFFICE AND INSTITUTION-III ZONING REGULATIONS CONCERNING LOT COVERAGE AND LANDSCAPING.

BE IT ORDAINED BY THE CITY COUNCIL OF RALEIGH, NORTH CAROLINA that:

Section 1. Section 10-2037(2) of the Raleigh City Code is hereby amended to add a new paragraph, said paragraph shall follow subsection 10-2037(2)c and shall read as follows:

> "A treescape of at least one tree of a minimum height of ten feet (10') for every one thousand (1,000) square foot of yard space required by subsections 10-2037(2)a and b is required to be provided and maintained within those yard spaces. Such trees shall be located at least fifteen (15) feet apart. The height to trunk caliper or spread relationship of any new tree shall meet the current American Standards of Nursery Stock set forth by the American Association of Nurserymen. Existing trees which meet the standards of this section and are maintained may be used to satisfy these requirements."

Section 2. Section 10-2037(3) of the Raleigh City Code is hereby amended to add a new sentence which shall follow the first sentence of said section and shall read as follows: "If one story buildings and buildings of two or more stories occur on one lot, the maximum lot coverage shall be increased from fifteen (15) percent to a maximum of twenty (20) percent in the same proportion as the amount of square footage contained in buildings of one story bears to the total amount of building square footage on the lot."

Section 3. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 4. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 5. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 6. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 7. This ordinance shall become effective five (5) days following its adoption.

Adopted: 4/3/84

Effective: 4/8/84

TC-262 - BED AND BREAKFAST INNS - APPROVED - ORDINANCE ADOPTED

This was a request for approval to amend the Zoning Chapter (10) of the City Code to allow bed and breakfast inns in residential and Office and Institution-I districts, pursuant to a special use permit granted by the Board of Adjustment.

CR-5017 from the Planning Commission recommended that TC-262 be approved as written. Consent Agenda approval: Calloway/Cates - 8 ayes.

ORDINANCE NO. (1984) 320 TC 213

A ZONING ORDINANCE TO PERMIT BED AND BREAKFAST INNS IN HISTORIC DISTRICTS

WHEREAS, G.S. 160A-382 authorizes the City of Raleigh to establish zoning districts and to regulate the use of buildings in those zoning districts; and

WHEREAS, the Raleigh City Council finds that historic districts promote tourism and create demands for lodging especially inns; and

WHEREAS, 36 CFR 67.5(a)(1) states that a structure contributing to the historic significance of a district is one which by location, design, setting, materials,

workmanship, feeling and association adds to the district's sense of time and place and historical development; said structures are delineated as part of the designation of an historic district.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF RALEIGH, NORTH CAROLINA that:

Section 1. Section 10-2002 of the Raleigh City Code relating to definitions is hereby amended to add a new definition, Bed and Breakfast Inns, said definition shall follow the definition of banners and shall read as follows:

"Bed and breakfast inn. A single-family dwelling or inn located in an historic district with a room or rooms without cooking facilities that are rented and which conform to Section 10-2073(c)(16)."

Section 2. The first sentence of the definition of equivalent dwelling unit contained in Section 10-2002 of the Raleigh City Code is amended to add after the word "sorority" the following language:", bed and breakfast inns,".

Section 3. Section 10-2028 of the Raleigh City Code relating to permitted uses in R-10 is hereby amended to add a new subsection, 10-2028(g), which shall follow 10-2028(f) and shall read as follows:

"(g). Bed and breakfast inns subject to a use permit being granted by the Board of Adjustment in accordance with the provisions of Section 10-2073(c)(16).".

Section 4. Section 10-2049(3) of the Raleigh City Code relating to minor works in an historic district excepted from certificate of appropriateness requirements is hereby amended to add a new subsection, q, which shall follow 10-2049(3)p. and shall read as follows:

"q. Removal of any prohibited element described in "Guidelines and Standards for the Rehabilitation of Early Raleigh Neighborhoods and Buildings" or "Guidelines and Standards for New Construction in Early Raleigh Neighborhoods.".

Section 5. Section 10-2061(a)(1)f of the Raleigh City Code relating to off-street parking is amended to add after the word boarding houses the following language: ", Bed and Breakfast inns,".

Section 6. Section 10-2073(c)(16) of the Raleigh City Code which is reserved is now enacted to read as follows:

"(16) To permit a Bed and breakfast inn in R-10, R-15, R-20, R-30, and Office and Institution (I) Zoning districts if the requirements of this section are met:

a. The inn is located in a Historic District defined in Section 10-2049;

b. The inn if located in a dwelling structure which was originally constructed as a single-family dwelling or as an inn;

c. The total number of persons occupying the inn does not exceed the families per acre permitted by this Code;

d. There is no exterior advertising except a small unlighted announcement sign not to exceed two square feet in area;

e. There is no Rooming House, Boarding House, Tourist Home, or Bed and Breakfast Inn located within 400 feet (determined by a straight line and not street distance) of the facility;

f. The owner of the inn or a resident manager is domiciled on the premise;

g. Breakfasts served on the premise are only for guests on the inn, and no other meals are provided on the premise;

h. Off-street parking for the use will be provided as required under Section 10-2061;

i. The structure is either listed on the National Register of Historic Places or is at least a contributing structure, as defined in the Code of Federal Regulations, as amended; a list of such places is on file in the City Clerk's office;

j. Any prohibited exterior element as described in "Guidelines and Standards for the Rehabilitation of Early Raleigh Neighborhoods and Buildings" or "Guidelines and Standards for New Construction in Early Raleigh Neighborhoods", which is on file in the Clerk's Office, shall be removed from the structure;

k. Any interior modifications shall be described in the application and shall not be injurious to the historic character of the structure, woodwork, stairways, fireplace, windows and doors, cornices, feastoons, moldings, chairrails, or light fixtures.

Cross-Reference: Minimum housing standards Sec. 10-6123(b).".

Section 7. Section 10-6123(b) of the Raleigh City Code as amended by Ordinance No. (1983) 245 TC 205, adopted December 6, 1983, and being former Code Section 7-4123(b) is amended to insert after the italicized words "rooming houses" the following words "or bed and breakfast inns", said words are to be italicized. Said section is further amended to add immediately after the words "rooming house" wherever they appear, in Section 10-6123(b)(1) through (4) the following language: ", or bed and breakfast inn,".

Section 8. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 9. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 10. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 11. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 12. This ordinance shall become effective upon its adoption.

Adopted: 4/3/84

Effective: 4/3/84

CP-2-84 - SOUTHEAST DISTRICT PLAN AMENDMENT - APPROVED - RESOLUTION ADOPTED

This was a request for approval to amend the Southeast District Plan by shifting the Cross Link Neighborhood Focus Area from its present location at Cross Link Road and Old Garner Road southward to Old Garner Road and the proposed Tryon Road Extension.

CR-5019 from the Planning Commission recommended that CP-2-84 be approved as requested. Consent Agenda approval: Calloway/Cates - 8 ayes.

RESOLUTION NO. (1984) 486

RESOLUTION TO AMEND THE COMPREHENSIVE PLAN

WHEREAS, the purpose of the Comprehensive Plan is to provide general guidance to City agencies, other public agencies, private individuals and organizations as they prepare detailed plans, programs or ordinances; and

WHEREAS, it is the intent of the City Council to maintain and amend this plan as the official statement of City Council Policy concerning the future development of the City of Raleigh; and

WHEREAS, after careful review of the development patterns in the Garner Road area revisions to the land use patterns are needed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

That the attached map be approved as an amendment Map SE-6 of the Southeast Land Use Plan, adopted by Resolution No. (1983) 344. Said map providing for:

a) The removal of a neighborhood focus area designation from the intersection of Garner Road and Cross Link Road.

b) The designation of a neighborhood focus area at the intersection of Garner Road and the proposed extension of Tryon Road.

Adopted: 4/3/84

END OF THE PLANNING COMMISSION CONSENT AGENDA

TC-257 - AGENCY OFFICES AND RESIDENTIAL DISTRICTS - APPROVED AS AMENDED - ORDINANCE ADOPTED

This was a request for approval to amend Sections 10-2024(j) and 10-2073(c)(20)c pertaining to non-profit offices permitted by the Board of Adjustment in residential districts.

CR-4069 from the Planning Commission recommended that TC-257, as amended in the ordinance attached to Certified Recommendation 4069, be approved.

Ms. Cates indicated she had requested that this be withdrawn from the Consent Agenda pointing out she had received calls from people who are adjacent to present school sites that were concerned about the buffers and the possibility of playgrounds being

converted into parking lots. She stated she feels we need some standards and questioned this area. Assistant Planning Director Breazeale explained the ordinance and the proposal in full, pointing out there was discussion concerning buffers and there are some provisions for conversion of parking lots, the standard setbacks, buffering, etc. The screening that is required if there is residences within 50 feet was also discussed. Ms. Cates moved the Planning Commission's recommendation be upheld. Her motion was seconded by Mr. Calloway. Mr. Walters indicated he would have to vote against this, pointing out this provides a government agency that is willfully doing something that is against City ordinances to legalize what they are doing and this just goes against his grain. The motion, as stated, was put to a vote which resulted in all members voting in the affirmative except Mr. Walters who voted in the negative. The Mayor ruled the motion adopted.

ORDINANCE (1984) 318 TC 211

AN ORDINANCE TO PERMIT ELECTED POLITICAL SUBDIVISIONS TO USE SCHOOLS, CHURCHES AND GOVERNMENTAL BUILDINGS FOR OFFICE USES IN RESIDENTIAL ZONING DISTRICTS AFTER APPROVAL BY THE BOARD OF ADJUSTMENT

WHEREAS, G.S. 160A-388 authorizes the Raleigh Board of Adjustment to issue Special Use Permits.

WHEREAS, Raleigh City Code Section 10-2073(c)(20) presently permits schools to be used for offices by social service, youth, religious, and political organizations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF RALEIGH, NORTH CAROLINA that:

Section 1. The first paragraph of Section 10-2073(c)(20) of the Raleigh City Code is hereby amended to insert immediately after the language "chamber of commerce,": the following language, "elected political subdivisions,".

Section 2. Subsection 10-2073(c)(20)c of the Raleigh City Code is hereby amended to delete therefrom the following language: "as evidenced by general agreement of the proposal by the surrounding neighborhood".

Section 3. Subsections 10-2073(c)(20)f and g of the Raleigh City Code are hereby repealed, rewritten, and reenacted to read as follows:

"(f) Parking pursuant to 10-2061 shall be required. All newly constructed parking areas shall not be located within twenty-five feet (25') of either any property containing a residential dwelling or any residential district zoning boundary; and,

(g) Planting and fencing is provided which will preserve the general character of the neighborhood. At a minimum, new parking areas located within fifty feet (50') of either any property line containing a residential dwelling or any residential zoning district shall be screened according to 10-2045.2(2)(i).".

Section 4. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 5. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 6. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 7. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in Raleigh City Code.

Section 8. This ordinance shall become effective five (5) days following its adoption.

Adopted: 4/3/84

Effective: 4/8/84

REZONING Z-32-84 - SOUTH SAUNDERS STREET - REFERRED TO LAW AND FINANCE COMMITTEE

This was a request for approval to rezone approximately .3 acre from Residential-6 to Neighborhood Business. CR-5006 from the Planning Commission recommended that Z-32-84 be approved as requested. Assistant Planning Director Breazeale explained the location, request and recommendation. Chairman Woodlief, of the Planning Commission, indicated with the widening of lanes and the amount of traffic, the Planning Commission just did not feel that this area was suitable for residential. Mrs. Block pointed out this property is on the side of South Saunders Street of the Caraleigh community. She stated they have been very concerned about what happens to their neighborhood and while she does not think that this particular property is suited for residential, it may be more suitable for Buffer/Commercial since that does not allow

taverns etc. Mrs. Block moved that the property covered by rezoning Z-32-84 be rezoned Buffer/Commercial. Her motion was seconded by Ms. Babb.

Mayor Upchurch indicated he feels we need to look at South Saunders Street very carefully, pointing out it is one of the main entranceways into the City. He indicated if the City is not careful, we could have a total stripping out of the South Saunders corridor. He indicated that possibly we need to study the complete corridor and look at this case, what is going to happen along South Saunders with the driveway cuts, etc. before taking action on this particular case. Mrs. Block and Ms. Babb withdrew their motion in favor of the study as outlined by the Mayor. Mayor Upchurch stated, without objection, rezoning Z-32-84 - South Saunders Street, would be referred to the Law and Finance Committee for consideration along with a study of the area.

REZONING Z-43-84 - WHITAKER MILL ROAD - REFERRED TO LAW AND FINANCE COMMITTEE

This was a request for approval to rezone approximately 2.6 acres from Residential-10 to Industrial-II.

CR-5013 from the Planning Commission recommended that Z-43-84 be approved as amended; that is, that Z-43-84 be approved as requested with a 30-foot Conservation/Buffer along the west side.

Mr. Keller indicated he requested that this item be withdrawn from the Consent Agenda pointing out he questioned the necessity of a 30-foot Conservation/Buffer on this property, pointing out it is a very small piece of property, the 30-foot Conservation/Buffer has no existing vegetation and he just questioned the necessity and wondered if a 10-foot Conservation/Buffer would serve the same purpose. Planner Breazeale indicated it is correct that there is no screening on the land presently. Mr. Woodlief, of the Planning Commission, indicated this property backs up to residential property and that is why they suggested the Conservation/Buffer. Mr. Calloway indicated he had received some calls on this and the adjoining residents feel that a 30-foot buffer is excessive. He suggested the possibility of this item being referred to the Law and Finance Committee. Mr. Keller moved that rezoning Z-43-84 be approved with a 10-foot Conservation/Buffer along the west side of the property. His motion was seconded by Mr. Calloway.

Mr. Walters explained that several years back when we placed zoning on a property along a major artery such as this, that the zoning would be placed so many feet back of the right-of-way, and it would split zone property and that split zoning was intentional. He indicated the 30-foot Conservation/Buffer would keep people from building right up to the property line. He indicated he feels the Conservation/Buffer is needed to prevent any further encroachment or rezoning to Industrial along Wake Forest Road. Discussion took place on the setbacks in Industrial-II, how the Conservation/Buffer and the setback in Industrial would work together, etc. Mrs. Block indicated she felt the original suggestion to refer it to Law and Finance Committee would be best; therefore, Mr. Calloway made a substitute motion that rezoning Z-43-84 be referred to Law and Finance Committee. The substitute motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REZONING Z-44-84 - RALEIGH BOULEVARD - TO BE PLACED ON APRIL 17, 1984 AGENDA AS SPECIAL ITEM

This was a request for approval to rezone approximately 22.9 acres from Office and Institution-III to Residential-15 (20.71 acres) and Conservation/Buffer (2.16 acres), being a 30-foot strip of land along the north, east and south sides.

CR-5014 from the Planning Commission recommended that Z-44-84 be approved as amended; that is, that the property contained in Z-44-84 be rezoned to Residential-10 with a 40-foot Conservation/Buffer on the north, east and south sides of the request.

Assistant Planning Director Breazeale explained the location, request, as well as the recommendation of the Planning Commission. Planning Commission Chairman Woodlief indicated the recommendation of the Planning Commission was acceptable to the petitioner. He indicated the adjacent land is actually developed at seven or eight units per acre. Mr. Walters indicated he had studied this area and talked with the Planning Department about it. He stated he feels that the adjacent area is closer to Residential-4 density, pointing out all around this property is actually single-family homes and with almost no exception, it is built Residential-6 but with single-family units. He indicated in view of that and the fact that the owner will accept Residential-6, he would move that action be deferred on this item and that it be placed on the April 17, 1984 Agenda as a special item for consideration. Without objection, this was agreed to.

TC-263 - SITE PLAN APPROVAL IN O&I-I, BUFFER/COMMERCIAL AND NEIGHBORHOOD BUSINESS DISTRICTS - TO BE PLACED ON APRIL 17, 1984 AGENDA

This was a request for approval to amend Chapter 10 of the City Code to require that none of the uses authorized for Office and Institution-I, Buffer Commercial, or Neighborhood Business be permitted until a site plan showing the proposed development of the area has been approved by the Council after a recommendation thereon has been made by the City Planning Commission.

CR-5018 from the Planning Commission recommended that TC-263 be approved as written.

Mayor Upchurch indicated he requested that this item be withdrawn from the Consent Agenda as he would like to question if Administration has done any research on this text change as it relates to what it will actually cost to implement the text change. He indicated if this text change is approved, he wants everybody to think about and know how much staff time, City Council time, and Planning Commission time we are going to tie up.

City Manager Benton indicated that Administration is concerned and he does not want the Administrative concern to be construed as being negative. He indicated in looking at the site plans that come through the Inspections Department for O&I-I it is found that we get about 18 per month. He stated he felt that was a good indication as to the amount of work that would have to be processed as it relates to site plan approvals for the other three districts. He indicated Administration is concerned about being able to gear up and be prepared for this text change. He too cautioned the Council, that the Council and the Planning Commission will have an additional work load and volume as these site plans have to be approved. He indicated the timing for the ordinance to become effective should also be considered as the City does have to gear up to implement this and we do not want to stop projects that are in process, but there are things that need to be worked out and things the City needs to be prepared for prior to the effective date of this ordinance. He stated if the Council would, he would suggest holding action on this text change and allow him an opportunity to bring a proposed plan of action for implementing the text change. Mr. Walters moved that action on TC-263 be deferred and placed on the April 17, 1984 Agenda for consideration and at that time receive a report from Administration on a plan of action for implementing. The motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REZONING Z-106-83 - LEESVILLE ROAD - REFERRED TO THE COMPREHENSIVE PLANNING COMMITTEE

This was a request for approval to rezone approximately 56.1 acres from Residential-10 to Residential-6 (.1 acre) and from Residential-4 to Shopping Center (9.6 acres), Residential-6 (22 acres), and Residential-10 (24.4 acres).

CR-5004 from the Planning Commission recommended that Z-106-83 be approved as requested.

Planning Commission Chairman Woodlief explained the request and read the Planning Commission's recommendation as well as findings and reasons. He indicated the main discussion on this case centered around the road question. Mayor Upchurch indicated 11 flood control dams were built for flood control in this area and questioned whether the capacity of Lake Lynn was considered. Ms. Babb pointed out the Comprehensive Planning Committee will be discussing the Northwest Citizen's Plan very shortly. She indicated there are a lot of concerns about this case, both pro and con. She pointed out the current version of the Comprehensive Plan does have a focus area in this location, but again stated we are about to update the land use plan for that area. Therefore, she would suggest that rezoning Z-106-83 be referred to the Comprehensive Planning Committee with the idea of holding it for two or three weeks while the Comprehensive Planning Committee is working on the Northwest Land Use Update. She stated, in addition, the capacity of the flood control lakes and the effect of this proposed rezoning should be considered. She restated her motion that Z-106-83 be referred to the Comprehensive Planning Committee. This motion was seconded by Mr. Calloway. Mr. Keller pointed out there was a definite density capacity put in place in these lakes for flood control. He indicated if the citizens had to foot the bills to construct the lakes, he feels that the density capacity should be considered. Ms. Cates indicated she agreed and pointed out we have the traffic problem to deal with. She pointed out, however, this case had been held in the Planning Commission since November and she feels it should be dealt with as soon as possible with Ms. Babb indicating she felt the Comprehensive Planning Committee will take action soon. Mrs. Block indicated she could vote against the case today and let it be resubmitted, pointing out if there is a change of plans that is reasonable and acceptable, the Council could grant waiver of the two year waiting period. Mr. Congleton indicated this project is on the north side of the lake. He indicated he did support the rezoning on the other side, but he would not support this. He stated he is very concerned about the density capacity of the lake and he is also concerned about the road problems. He indicated the road problems in this area is one of the worst situations in the City and he hopes everyone remembered the bad situations when the road bond referendum comes up as that is the only way it seems to alleviate the problems. He pointed out, in addition, we do have the Northwest District plan in the process for update and that should be concerned. He stated he could either deny the request or let it go to Comprehensive Planning Committee for study with the Land Use Update, as well as the density capacity of the lake. Mr. Walters indicated the property owners are in favor of putting it in Comprehensive Planning Committee for study; therefore, he would support that proposal. Discussion took place as to the status of the Northwest Plan, how long it would take the Comprehensive Planning Committee to look at it and the need for following a process. After which the motion to refer the item to Comprehensive Planning Committee was put to a vote and passed unanimously. The Mayor ruled the motion adoptive.

REZONING Z-31-84 - CROSS LINK ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 1.8 acres from Residential-4 to Residential-10.

CR-5005 from the Planning Commission recommended that Z-31-84 be approved as requested.

Mr. Calloway moved the Planning Commission's recommendation be upheld. His motion was seconded by Ms. Cates. Discussion took place with Mr. Walters indicating he understood that the Attorney's Office had notified the Planning Commission that this would be spot zoning; therefore, he feels if the case is approved that the Council is opening themselves to a lawsuit. City Attorney McCormick indicated he was not aware of that and he feels that whether something is spot zoning or not can only be determined through the court system. The motion, as stated, was put to a vote which resulted in all members voting in the affirmative except Mrs. Block and Mr. Walters who voted in the negative. The Mayor ruled the motion adopted.

ORDINANCE (1984) 317 ZC 137

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) Falls of Neuse Road, east side, between Quail Ridge Road and Ivy Lane, being Parcel 60, Tax Map 381, rezoned to Office and Institution-III. (Z-12-84)

(b) Cross Link Road, west side, at its northern intersection with Hadley Road, being Parcel 2, Tax Map 606, approximately 1.8 acres rezoned to Residential-10 district. (Z-31-84)

(c) Hillsborough Street, north side, between Daisy and Shepherd Streets, being Parcel 38, Block D-127, Tax Map D-27, approximately .6 acre rezoned to Shopping Center. (Z-34-84)

(d) Duraleigh Road, west side, across from Pleasant Valley Road, being Parcels 2, 155 and a portion of Parcel 7, Tax Map 376, rezoned to Office and Institution-I District, according to map on file in the City of Raleigh Planning Department. (Z-36-84)

(e) Featherstone Drive (proposed extension), east side, between Mourning Dove Road and Six Forks Road, north of Crown Oaks Development and south of Dartmoor Subdivision, being the eastern portion of Parcel 9, Tax Map 324, consisting of 4.8 acres rezoned to Residential-6 District, according to map on file in the City of Raleigh Planning Department. (Z-39-84)

(f) I-40 (proposed), south of Jones Sausage Road, east side, being a portion of Parcel 15, Wake County Tax Map 659, approximately 15 acres rezoned to Thoroughfare District, according to map on file in the City of Raleigh Planning Department. (Z-45-84)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective upon the date of adoption, April 3, 1984.

REZONING Z-33-84 - GLENWOOD/BROOKLYN NEIGHBORHOODS - CONTIGUOUS GENERAL AREAS - REFERRED TO THE COMPREHENSIVE PLANNING COMMITTEE

This was a request for approval to rezone approximately 84 acres from Residential-30 (61.8 acres) to Residential-20 (5.3 acres), Residential-15 (13.2 acres), Residential-10 (42.3 acres) and Conservation/Buffer (1.1 acres); and approximately 21.7 acres from Office and Institution-I to Residential-10 and .2 acre from Neighborhood Business to Residential-10.

CR-5007 from the Planning Commission recommended that Z-33-84 be denied.

Ms. Cates indicated she understood this was one of the most difficult cases the City has had in the past ten years. She explained she had received a volume of letters, phone calls, etc. and she feels the eyes of the whole City focus on this area. She indicated in trying to bring this community back together and heal some wounds, etc., she would like to move that this item be referred to the Comprehensive Planning Committee and the Planning Department present to the committee a list of specific parcels that would be non-conforming if this property were zoned Residential-10, Residential-15, Residential-20, and have that at the Comprehensive Planning Committee for consideration. Her motion was seconded by Ms. Babb. Ms. Block stated she agreed and we should have a list of what is non-conforming at the present zoning and it is true that the neighborhood seems to be divided and everyone has received a volume of correspondence on this, but her correspondence indicates that the neighborhood is not divided equal. She stated as she views the map, that by cutting out a very few pieces and disregarding those that would be non-conforming no matter what zone is placed on them, she feels that this case could be worked out. She stated if this is referred to the Comprehensive Planning Committee, she will be at the meeting. How

this community is divided was discussed with Mr. Walters pointing out he feels he represents this neighborhood just as much as any Council Member as part of it, at one time, was in his district. He stated the Council does refer zoning cases to committee on occasion, but normally with the consent of the property owner involved. He stated we do not have the consent of the property owners involved in this case. He stated he feels it will be a problem if it is referred to committee and explained when the Task Force was appointed, he questioned if the Task Force had anything to do with the zoning case, and he was told it did not. He stated he can not really support putting this case in committee. Therefore, he would make substitute motion that Z-33-84 be denied and Administration be directed to refer all recombination of lots in this area to the City Council for consideration. His motion did not receive a second. Mr. Walters indicated recombination of lots is where we are having the problems in this area. He stated with our present ordinance which limits apartment square footages, etc., he does not feel there would be problems except in areas where there is recombination of lots occurring. He stated he felt it was incredible that the Council is about to do what they are getting ready to do. Mrs. Babb indicated, in her opinion, the Council has to follow certain processes and procedures in order to have credibility. She stated she feels the Comprehensive Planning Committee in asking for the Task Force is following those procedures. She stated the Task Force is going to look at the larger issues involving the Glenwood/Brooklyn neighborhood and one of the main reasons they asked for a Task Force is that the Comprehensive Planning Committee is dealing with the update of the University Land Use Plan. She talked about the planning process and the work of the Comprehensive Planning Committee. She stated the Task Force will work with a number of issues that are complex, but she feels that they can be worked through. She stated she feels that the work will not go on forever and that hopefully it could be completed in a month or six weeks. She stated she does feel that it is important that we do have processes and we work through these processes. Mr. Calloway indicated he has talked to citizens on both sides of this issue and all seem to feel comfortable with the case going to committee. He pointed out their concerns were about the amount of time and they do not want it to remain in committee too long. Mr. Walters indicated there are some property owners and people who live in the area or own property in the area that are not interested in seeing this going to committee. He stated in his opinion, it is wrong for the Council to penalize people who want to do something with their property and the City is using the zoning case to delay that. Ms. Babb indicated she too is concerned about individual cases, but pointed out we have to look at the overall issue. She indicated the City Council deals with a lot of issues and make policy and sometimes it does cause delays, but she does not feel that we talking about an unusally long delay in this instance. In response to questions, City Attorney McCormick indicated building permits will be issued for anything that conforms with the present and proposed zone. The motion to refer the item to committee was put to a vote which resulted in all members voting in the affirmative except Mr. Walters who voted in the negative. The Mayor ruled the motion adopted.

COMMITTEES, COMMISSIONS, AND BOARDS

APPEARANCE COMMISSION - FOUR VACANCIES DECLARED - NOMINATIONS MADE

The City Clerk reported one vacancy due to the resignation of Catherine Rieger. Nominations include Carolyn Andrews and Bernadine Weddington. Nominations have been closed. A ballot vote resulted as follows: Andrews - 4 (Cates, Calloway, Congleton, Babb); Weddington - 4 (Walters, Block, Keller, Upchurch).

Brief discussion took place with it being pointed out that three votes have been taken. It was also explained that there are three terms expiring in April and the Council had previously decided to take action on the current vacancy before taking nominations on the three vacancies or expiring terms in April. After other discussion, Ms. Block moved that the Council rescind the previous action of closing nomination and deciding to vote on the present vacancy prior to accepting nominations on the April expiring term and declare four openings on the Appearance Commission and the two nominations stand. Her motion was seconded by Mr. Keller and put to a vote which resulted in all members voting in the affirmative except Mr. Congleton and Ms. Babb who voted in the negative. The Mayor ruled the motion adopted. The City Clerk indicated that nominations would be open for the four vacancies on the Appearance Commission and thus far, Carolyn Andrews has been nominated by Mr. Congleton and Bernadine Weddington by Mr. Upchurch. Mr. Calloway nominated John P. Greene. Ms. Cates nominated J. Myrick Howard. Ms. Babb nominated Theresa Rosenburg. No further action was taken.

FAIR HOUSING HEARING BOARD - JIMMIE COLEMAN REAPPOINTED

The City Clerk reported the term of Jimmie Coleman expires April 15, 1984 and he has been nominated for reappointment. The City Clerk indicated at the Council's request, she attached a listing of the current membership, pointing out there are presently five members on this Board, four black men and one white man. Ms. Cates moved that nominations to the Fair Housing Hearing Board be closed and Mr. Coleman appointed by acclamation. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

TELECOMMUNICATIONS COMMISSION - KAREN B. PEALER APPOINTED

The City Clerk reported one vacancy due to the resignation of Noel Allen. Nominations include Karen B. Pealer and Barbara Larkin. A ballot vote resulted as follows: Pealer - 6 (Calloway, Cates, Keller, Upchurch, Walters, Block); Larkin - 2 (Congleton, Babb). The Mayor announced the appointment of Karen Pealer to the Telecommunications Commission.

ARTS COMMISSION - APPOINTMENTS MADE

The City Clerk reported the terms of Diane Jones and Laurie E. Holder, Jr. expire May 4. Nominations include Ms. Jones, Maryanne K. Jenkins, Reverend David Brownlee and Mr. Holder. The Clerk indicated since she had written the memo, there are two additional vacancies as a letter of resignation has been received from Thomas B. Wood and Lucie Hunter. Therefore, there are four nominees and four vacancies. Mr. Walters moved that nominations to the Arts Commission be closed and the four appointed by acclamation. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE LAW AND FINANCE COMMITTEE

UNFIT BUILDING - 404 BLEDSOE AVENUE - REPEALER ORDINANCE ADOPTED

Chairman Keller reported the Law and Finance Committee recommends that ordinance 1983-231 relating to 404 Bledsoe Avenue be repealed as Administration reports that work is progressing and renovation was 75% complete at the committee meeting date. On behalf of the committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. 1984-321

AN ORDINANCE REPEALING A PORTION OF ORDINANCE No. 1983-231 RELATING TO THE PROPERTY OF DAVID AND PAULINE H. McCLOUD LOCATED AT 404 BLEDSOE AVENUE, RALEIGH, NORTH CAROLINA

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That part of Ordinance No. 1983-231 relating to the property of David and Pauline H. McCloud and directing that the dwelling thereon be placarded or demolished is hereby repealed.

Section 2. It is the intent of this ordinance that no other portion of said Ordinance No. 1983-231 be affected in any manner whatsoever by the adoption of this ordinance.

Section 3. That a certified copy of this ordinance be recorded in the office of the Wake County Register of Deeds.

Section 4. This ordinance shall be effective April 3, 1984.

Adopted: April 3, 1984

Effective: April 3, 1984

SUBDIVISION S-101-83 - OAK RUN TOWNHOUSES - REMOVED WITH NO ACTION TAKEN

Chairman Keller reported the Law and Finance Committee recommends that this item be reported out with no further action taken. On behalf of the committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

PARKS FACILITIES - SECURITY MONITOR SERVICE - CONTRACT AUTHORIZED

Chairman Keller reported the Law and Finance Committee recommends that the City enter into a five year lease/purchase arrangement with Gray, Inc. at $14,895 per year. On behalf of the committee he moved the recommendation be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative except Mr. Congleton who voted in the negative. The Mayor ruled the motion adopted.

SUBDIVISION S-33-84 - WEST BROOK NORTH CLUSTER UNIT DEVELOPMENT - APPROVED

Mr. Keller indicated the Law and Finance Committee recommends that CR-4095 be approved as recommended by the Planning Commission with the understanding that the 2.7± acres be held as open space by the Homeowners Association. Council Members received a copy of the certified recommendation in their Agenda packet. It was reported that this development would be according to a map entitled, "West Brook North Cluster Unit Development" the property of Jordan H. Parker, drawn by James A. Bridger, Jr. dated January 28, 1984 with the condition that the legal documents for the non-profit Homeowners Association be reviewed and approved by the City Attorney's Office prior to recording the final plats. On behalf of the committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE

EXCESSIVE WATER BILLS - 1317 LENNOX PLACE - PAYMENT ARRANGEMENT AUTHORIZED

Chairperson Block reported the Public Works Committee recommends that Mr. and Mrs. Bostick be allowed to pay their $687 water bill in monthly payments of no less than

$100 per month plus the current monthly water bills. The Committee further recommends that Administration study the policy for handling calls such as this coming into the Emergency Communications Center after regular office hours. On behalf of the committee, Mrs. Block moved the recommendation be upheld. Her motion was seconded by Ms. Cates and after brief explanation of the action taken by the committee, the motion, as stated, was put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REZONING Z-121-83 - POOLE ROAD - DENIED

Chairperson Block reported the Public Works Committee recommends that the Planning Commission's recommendation to deny this request be upheld. On behalf of the committee she moved the recommendation be upheld. Her motion was seconded by Ms. Cates and put to a vote which resulted in all members voting in the affirmative except Mr. Walters who voted in the negative. The Mayor ruled the motion adopted.

LANDFILL GAS RECOVERY PROGRAM - CONCEPT ENDORSED - RETAINED IN PUBLIC WORKS COMMITTEE

Chairperson Block reported the Public Works Committee has been advised that two companies have presented proposals for the construction of a facility to capture methane gas from the City landfill for processing and resale as well as payment of royalties to the City. The Committee expressed enthusiasm for this project and, if this enthusiasm is shared by the Council, the Committee will investigate the firms who have evidenced their interest by submitting proposals. On behalf of the committee, Ms. Block moved that the Council endorse the concept of gas recovery and authorize the Public Works Committee to proceed on this item as outlined. Her motion was seconded by Ms. Block. Ms. Babb questioned if this is analogous to the State's efforts to recycle oil. This was discussed briefly, after which, the motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

SOCIAL SERVICES FUNDING - CRITERIA TO UTILIZE IN EVALUATING - APPROVED

Council Members received in their Agenda packets a proposed questionnaire to be answered by Social Service agencies requesting City funds which is recommended for approval by the Committee. If the questionnaire is approved by the Council, the Committee recommends that these requests be submitted to the Human Resources Department in February and that these requests be reviewed by the Human Resources Committee and their comments noted on each request when reviewed by the City Council. The Committee further recommends that the requests for this year's budget be submitted no later than April 30. On behalf of the Public Works Committee, Ms. Block moved the recommendation be upheld. Her motion was seconded by Ms. Cates. Ms. Babb indicated she feels this version of the questionnaire is a considerable improvement and she is comfortable with this questionnaire. The motion, as stated, was put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

WATER BILLING - 712 EAST HARGETT STREET/524 SOUTH BOUNDARY STREET - TIME PAYMENT AUTHORIZED

Mrs. Block indicated the Public Works Committee recommends that Raymond Williams be allowed to pay bills totaling $494.07 in payments of no less than $50 per month plus the current monthly bills. On behalf of the committee, she moved the recommendation be upheld. Her motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE REAL ESTATE COMMITTEE

NEW BERN PLACE - AGREEMENT WITH MARTIN DEVELOPMENT COMPANY - APPROVED

Mr. Walters indicated the Real Estate Committee has met and approved an agreement between the City and Martin Development group for the New Bern Place project. He indicated there were several things that had to be worked out and certain time periods that had to be met. City Manager Benton explained the location and the project and the City's involvement as it relates to doing public improvements along the streets and at the end of New Bern Avenue as part of the landscaping enhancement of the area. He indicated the proposed agreement meets with the approval of staff, the developer and the Real Estate Committee and it does require a sequence of events to occur. He stated some of the key considerations would be as follows. He pointed out it is hopeful that the City can work with the developer to do design provisions of the City's commitment. He stated, in addition, we can withdraw from the agreement if the developer does not pre-sell at least 12 units in the project. He indicated there are two things that the City would need to do subsequent to the agreement being signed. One relates to the designation of this area as an economic development area. The second would be to initiate proceedings closing New Bern Place at Person Street. He indicated the staff would bring these things back to the Council at a later date. He indicated the developer feels that it is very important to be able to proceed with the project with tax exempt bond financing. Mr. Walters pointed out New Bern Place is physically closed now. City Attorney McCormick explained that the agreement has time periods, one is that 45 days after execution of the agreement, the site plan must be approved and within 20 days after approval of the site plan, they have to have 12 of the units pre-sold. Other discussion took place, after which, Mr. Walters moved approval of the agreement with Martin Development groups and authorization for the Mayor to sign and direct Administration to bring back the subsequent item necessary to carry out the agreement. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

BY GENERAL CONSENSUS, THE COUNCIL TOOK A 15 MINUTE BREAK AT 3:00 P.M.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

ETJ EXTENSION - SIX FORKS/STRICKLAND ROAD AREA - REFERRED TO PUBLIC WORKS COMMITTEE

On March 20, 1984, representatives of Wachovia Bank and Trust Company requested that the City extend its planning jurisdiction on the northwest corner of Strickland Road and Six Forks Road.

It is expected that when developed, the owner will tap onto the water line in Six Forks Road. The ETJ extension means the City will have building code, zoning and subdivision controls on the property.

Included in the Council Members' Agenda packet was a staff report.

Recommendation: It is recommended that the City Council adopt a resolution requesting the County to relinquish jurisdiction of the Wachovia property.

City Manager Benton explained the location and the request and reported that this area is within the Falls Lake drainage basin. Mrs. Block indicated if the recommendation is upheld, she feels that wording should be added that this area will be drained into Lead Mine Creek rather than Falls Basin. Ms. Babb indicated she has some concern based on the fact that this is in the Falls Basin and we are presently holding an issue relating to annexation, how we are going to provide services in this area, etc. in Public Works Committee; therefore, she feels that we should hold action on this request and send it to the Public Works Committee and let it be a part of the whole item of how we are going to service the area. She stated she feels it is important that all development in this area is treated consistently. City Manager Benton indicated the County has issued a permit to build the bank in this area and the main question is whether the City will extend water. Brief discussion took place and Ms. Babb moved that this item be referred to Public Works Committee. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

RESIDENTIAL DEVELOPMENT REGULATIONS - ZONING CODE ADJUSTMENTS - PUBLIC HEARING AUTHORIZED FOR MAY 17 - ITEM REFERRED TO DOWNTOWN DEVELOPMENT CORPORATION/DOWNTOWN ADVISORY COMMITTEE FOR REVIEW; FIRE DISTRICT REGULATIONS - REFERRED TO DOWNTOWN COMMITTEE AND VARIOUS ADVISORY COMMITTEES

As part of the City's effort to facilitate residential development in the downtown area, Administration has undertaken a review of existing laws that may be impeding this type of activity.

(1) Zoning Code Adjustments

Included in the Council Members' Agenda packet was a staff report which proposes two changes to the existing Zoning Ordinance. The first proposal addresses high density development regulations and the second is focused on conversion of existing nonresidential buildings to residential use.

Recommendation: It is recommended that Council authorize this text change for the May 17, public hearing, and concurrently refer these proposals to the Downtown Development Corporation and Downtown Advisory Committee for review. City Manager Benton indicated when the City began looking at residential development in the downtown area, it was felt that there was a need to look at our regulation as it relates to providing housing. He indicated there are some proposed zoning text changes that it is felt that is needed as well as some changes relating to the fire district. Mr. Walters moved that Administration's recommendation be upheld on the two items. His motion was seconded by Ms. Cates.

The boundaries of the Primary and Secondary Fire Districts have remained relatively the same for many years. The trend toward residential development in the downtown area necessitated a review of these regulations.

Administration has undertaken a study of the Secondary Fire Districts with a focus on the possible removal of areas from the Secondary District and a possible ordinance to permit wood frame construction.

Council Members will have a copy of the staff report in their Agenda packet.

Recommendation: Since this ordinance may have significant impact on the City, it is recommended that Council consider referring the proposal to the Downtown Committee and concurrently refer it to the Downtown Development Corporation and Downtown Advisory Committee for review and comment.

A public hearing is not required prior to the adoption of this ordinance.

Mrs. Block indicated she had some problems with deleting the minimum lot size and was concerned about the high density overlay as well as the minimum square footage for apartments. Mr. Upchurch questioned if these things could not be addressed at the public hearing with Mrs. Block indicating they could, but she thought that maybe they should be studied a little further and maybe revised and she is not sure she could support them as presently written. Mr. Walters indicated he feels we have to have flexibility here particularly in places like Fayetteville Street Mall with Ms. Babb

agreeing that we do need the flexibility. She indicated in some parts of town, that maybe we would not want these standards. But the difficulty in developing housing downtown has to be addressed and we may find that we need to have urban living situations and she feels these proposals address that. Mrs. Cates indicated she was delighted to see that the performance standards are included. The motion, as stated, was put to a vote and resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ASSESSMENTS - STATE PROPERTY - TO BE DELETED FROM ROLL

The City has approximately $93,000 in outstanding assessments for public facilities improvements made adjacent to State-owned properties. The State has declined to pay for these assessments.

Under the terms of State law, the City cannot collect an assessment from the State unless the State agrees to the charge prior to the improvements being undertaken.

A report was included in the Council Members' Agenda packet.

Recommendation: While the City would certainly benefit from the payment of these charges, it appears very unlikely that the State will modify its position on payment. Therefore, it is recommended that Council authorize deletion of these charges from the assessment rolls.

Mr. Walters moved Administration's recommendation be upheld. His motion was seconded by Mr. Calloway. Mrs. Block questioned when these projects were done, pointing out she thought we had a new procedure of requesting the State's concurrence prior to the project being undertaken. This was discussed at length. Mrs. Block made a substitute motion that we request payment on any of these charges that are less than five years old, and if we can not get payment, then remove them from the assessment rolls. This did not receive a second; therefore, the motion, as stated, was put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The list of assessments is as follows:

6040-N-001-4	Roll 23	114 E. Lane St.	Sidewalk	$ 180.83
5930-N-001-4	Roll 82	Lake Boone Tr.	Sidewalk	1,747.14
6930-N-003-4	Lot 40, Roll 110	Method Road	Sidewalk	2,455.52
6930-N-002-4	Lot 14, Roll 110	Method Rd.	Sidewalk	2,580.65
5820-N-001-7	Lot 35, Roll 80	Kirby St.	Paving	1,670.09
8850-N-001-7	Lot 7 & 8 Roll 91	Saunders St.	Paving	506.50
6620-N-002-7	Lot 7, Roll 464	Marcom St.	Paving	5,340.00
0910-N-003-7	Lot 5, Roll 518	Beryl Rd.	Paving	9,760.31
0910-N-006-7	Lot 14, Roll 518	Beryl Rd.	Paving	4,982.72
4340-N-001-1	Lot 17, Roll 156	Gorman St.	Water	2,151.16
8705-N-001-1	Lot 26, Roll 167G	Rock Quarry Rd.	Water	3,541.21
5960-N-002-1	Lot 26 Roll 167J	Lake Wheeler Rd.	Water	2,139.62
5960-N-003-1	Lot 27 Roll 167J	Lake Wheeler Rd.	Water	671.72
4100-N-001-1	Lot 31 Roll 167K	Garner Rd.	Water	1,961.57
6620-N-002-01	Lot 8, Roll 225	Marcom St.	Water	1,081.20
6400-N-001-1	Lot 1, Roll 274	Lorimer Rd.	Water	618.00
7790-N-001-1	Lot 2, Roll 297	Page St.	Water	545.22
7790-N-002-1	Lot 5, Roll 344	Page St.	Water	492.90
6255-N-001-1	Lot 82, Roll 555	Ligon St.	Water	1,652,28
7135-N-001-1	Lot 6, Roll 578	Moore Dr.	Water	186.00
9075-N-001-1	Lot 1, Roll 615	S. State St.	Water	3,053.25
4670-N-002-1	Lot 1, Roll 698	W. Hargett St.	Water	335.62
4670-N-003-1	Lot 8, Roll 698	W. Hargett St.	Water	164.68
9508-N-001-1	Lot 1 Roll 717	Warehouse Dr.	Water	1,314.00
5960-N-004-1	Lot 1 Roll 774	Lake Wheeler Rd.	Water	508.75
5960-N-005-1	Lot 1 Roll 864	Lake Wheeler Rd.	Water	13,487.76
8203-S-003-1	Lot 7 Roll 894	Pierce St.	Water	1,908.96

5960-N-005-2	Lot 10, Roll 125	Lake Wheeler Rd.	Sewer	757.76
2250-N-001-2	Lot 1, Roll. 258	Coleman St.	Sewer	575.50
0720-N-001-2	Lot 1, Roll 261	Beckana Sub-division	Sewer	305.41
0720-N-002-2	Lot 2, Roll 261	Beckana Sub-division	Sewer	291.66
7790-N-001-2	Lot 2, Roll 296	Page St.	Sewer	209.69
0400-D-002-2	Lot 21, Roll 339	Avent Ferry Rd.	Sewer	139.83
1180-N-001-2	Lot 9, Roll 330	S. Boundary	Sewer	660.32
1180-N-002-2	Lot 10 Roll 330	S. Boundary	Sewer	660.32
8605-N-001-2	Lot 13, Roll 365	Reavis Rd.	Sewer	1,311.06
8605-N-002-2	Lot 14, Roll 356	Reavis Rd.	Sewer	1,150.61
5580-N-001-2	Lot 38, Roll 348	Kaplan Dr.	Sewer	301.40
8440-N-001-02	Lot 82, Roll 348	Powell Dr.	Sewer	309.09
9600-N-001-2	Lot 2, Roll 427	Western Blvd.	Sewer	355.50
9600-N-002-2	Lot 1, Roll 427	Western Blvd.	Sewer	244.11
6400-N-001-2	Lot 7, Roll 421	Lorimer Rd.	Sewer	274.92
1990-N-001-2	Lot 12, Roll 421	Chaney Rd.-Outfall	Sewer	1,250.41
1470-S-002-2	Lot 22, Roll 430	Buck Jones Rd.	Sewer	400.42
5080-N-001-2	Lot 18 Roll 465	Hillsborough St.	Sewer	163.84
9357-N-001-2	Lot 25, Roll 465	U.S. 64 East	Sewer	298.80
4340-N-002-2	Lot 39, Roll 499	Gorman St.	Sewer	318.28
7700-N-003-2	Lot 7, Roll 524	Along Onslow Rd. (Ramp-D)	Sewer	263.62
4100-N-001-2	Lot 27, Roll 466	Garner Rd.	Sewer	1,705.65
8705-N-001-2	Lot 1, Roll 519	Rock Quarry Rd.	Sewer	2,648.84
2945-N-001-2	Lot 1, Roll 525	Deboy St. - Outfall	Sewer	68.79
5560-N-001-2	Lot 1, Roll 533	Jones Franklin Rd.	Sewer	902.24
4340-N-001-2	Lot 9, Roll 543	Gorman St.	Sewer	879.00
8863-N-001-2	Lot 13, Roll 559	Schaub Dr.	Sewer	151.25
5960-N-004-2	Lot 1, Roll 571	Lake Wheeler Rd.	Sewer	3,438.57
9075-N-001-2	Lot 9, Roll 591	S. State St.	Sewer	3,997.25
0960-N-001-2	Lot 1, Roll 609	Bilyeu St.	Sewer	1,897.00
7790-N-002-2	Lot 4, Roll 696	Page St.	Sewer	840.42
9508-N-001-2	Lot 1 Roll 715	Warehouse Dr.	Sewer	1,449.00
1250-C-039-4	Lot 39, Roll 106	Bragg St.	Sidewalk	423.05
9080-C-002-1	Lot 2, Roll 615	S. State St.	Water	155.25

CAPITAL IMPROVEMENT PROGRAM - FY84/85 THROUGH 1988/89 - RECEIVED AND REFERRED TO APRIL WORK SESSION

City Manager Benton presented Council Members with a copy of the proposed Capital Improvement Program for the fiscal years 1984-85 through 1988-89. City Manager Benton briefly went over the items listed in the cover memorandum (included in the Capital Improvement proposal). He indicated there are two major capital facility areas not included because they are still under discussion by the City Council and that is the major transportation system improvements associated with a bond referendum and extension of utility lines in the Perry Creek/Neuse River area. Mr. Benton indicated he feels that this document, along with the operating budget, are two of the most important documents and decisions City government makes. Following Mr. Benton's presentation, after brief discussion by general consensus, the Capital Improvement Program was referred to the April Work Session.

1982 BOND ISSUE - POTENTIAL REFUNDING - INFORMATION RECEIVED

City Manager Benton explained in 1982, the City sold $25 million in bonds to finance water system improvements and a part of the Parks Bond project. He indicated these bonds were sold at 10.9% interest and we had to accept that because we needed the money at that point. He stated now interest is between 8% and 9% and City Administration has been talking about the possibility of refinancing this bonding debt. He indicated this has not been done by the City in the past and this report is for information only as he is not asking the Council to take any specific action.

Finance Director Hill indicated that this would be a first for the City of Raleigh. He pointed out, however, in view of the potential cost savings he feels that it should be investigated. He explained some time back a firm out of Minneapolis - Evans and Dodge went to the Local Government Commission with a package relative to refinancing and the Local Government Commission referred them to the City of Raleigh for further discussions. He indicated he had discussions with Evans and Dodge at that time and gave them information on our 1982 bond sale. He indicated subsequently that firm has presented us with preliminary re-financing feasibility information that shows a cost savings in the range of $1,600,000 that would be realized over the remaining life of the bonds. He explained how this would work including taking the funds set aside, putting them into an escrow account, serving debt on the old bonds, etc. and reducing our indebtness from 10.9% to somewhere in the range of 8.5% to 8.7%. He stated, however, all of this would be contingent upon the market. He stated he feels, however, if the feasibility is there he feels we should pursue this and if we pursue it and go further, what the City Council would be asked to do is refinance the bond sale for a May 22 bond sale with a June closing so that we could make the July, 1984 debt service deadline. He explained how funding would be handled and pointed out there would be nothing binding on this until we actually sell the bonds. He pointed out when and if we accept the low bid, then it would be binding. In response to questioning, Mr. Hill indicated the fee of the packaging company could be a set fee or a percent of the principal. However, the fee, itself, could be paid from the increased interest earnings, pointing out in essence there would be no direct cost to the City. Ms. Block questioned if this would a one sale type thing with Mr. Hill indicating that is correct, but we would be servicing the debt until the call date of the original issue. Brief discussion took place with City Manager Benton indicating again that this presentation is not for action, but to let the Council know that we are pursuing this idea and a report would be made at the next meeting. By general consensus, the Council agreed that the Finance Director should pursue the feasibility of this and report back.

CIVIC CENTER PLAZA PROJECT - TRANSFER AND BUDGET AMENDMENT AUTHORIZED

The following budget amendments are needed to place the funds in accounts for the work to be undertaken by the City in conjunction with the York-Hannover Project. The actions needed are:

Budget Amendments to appropriate unappropriated funds to respective Council Reserve accounts in the -

Urban Renewal Fund #30	$ 58,526
Miscellaneous Capital Fund #39	25,200
Civic Center Fund #40	14,537
Revenue Sharing Fund #34	314,700

Funds Transfers from the respective Council Reserve Accounts to the Civic Center Plaza Account in the -

Urban Renewal Fund #30	$255,300
Miscellaneous Capital Fund #39	223,000
Civic Center Fund #40	305,350
Revenue Sharing Fund #34	314,700

Interfund Transfer of the Civic Center Fund -

From the Civic Center Modifications Account to the Civic Center Plaza Project	$142,000

Recommendation: It is recommended that these budget amendments and transfers be approved. Mr. Walters moved Administration's recommendation be upheld. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 322

AN ORDINANCE TO AMEND THE 1983/1984 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1983/1984 Budget be amended as follows to budget funds due from banks adjacent to Market Plaza:

Revenue:	43-1-6000-0101	Market Plaza Private Funds	$58,000.00
Expense:	43-2-6200-0200	Market Plaza Construction	$58,000.00

ORDINANCE NO. (1984) 315 TF 18

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 21, 1983, and included in the budget for the fiscal year ending June 30, 1984, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 30-2-1000-0100	Council Reserve	$ 255,300.00
From 39-2-1000-0100	Council Reserve	223,000.00
From 40-2-1000-0100	Council Reserve	305,350.00
From 34-2-1000-0100	Council Reserve	314,700.00
To 40-2-1515-0000	Civic Center Plaza Imp.	1,098,350.00
Purpose: Civic Center Plaza Improvements		
From 40-2-1510-0100	CC Modifications	$ 142,000.00
To 40-2-1515-0000	CC Plaza Improvements	142,000.00
Purpose: Funding Civic Center Plaza Improvements.		
From 84-2-1650-0000	Raw Water Main	$ 65,000.00
To 84-2-1701-0101	NCDOT Dawson/McDowell	65,000.00
Purpose: To cover the cost of relocating various water mains on the Dawson/McDowell extension project in accordance with Supplements Municipal Agreement.		
From 81-2-1000-0300	Reserve for Council Projects	$ 35,000.00
To 81-2-1701-0101	NCDOT Dawson/McDowell	35,000.00
Purpose: Same as above - sewer mains.		
From 40-2-1510-0100	CC Modifications	$ 470,372.00
To 40-2-1510-0101	Civic Center Additions	389,800.00
To 40-2-1510-0102	CC Additions Architect Fee	7,700.00
To 40-2-1510-0105	CC Additions Plumbing	41,604.00
To 40-2-1510-0106	CC Additions HVAC	16,290.00
To 40-2-1510-0107	CC Additions Electrical	14,978.00
Purpose: To transfer funds for construction and related costs and estimated miscellaneous expenses on Civic Center Additions - Restrooms and Storage Facilities.		
From 84-2-1330-0000	NC 54 Tank	$ 5,163.23
To 84-2-1050-0201	Dam Restoration - General	5,163.23
Purpose: Contract Change Order - Southside Dam Restoration - Wilson Construction Co., Inc. - #3.		
From 84-2-1060-0000	E. M. Johnson Expansion	$ 1,046.00
To 84-2-1060-0301	E. M. Johnson HVAC	1,046.00
Purpose: Contract Change Order - E. M. Johnson Water Plant Expansion - Newcomb & Company - #M-1.		
From 38-2-3050-0100	Lions Lighting	$ 8,077.00
To 38-2-3300-0100	Biltmore Lighting	8,077.00
Purpose: Contract Change Order - Biltmore Hills Park Lighting - Watson Electrical Construction Company - El.		
From 01-2-1040-0001	Contingency	$ 13,000.00
To 01-2-1090-0236	Equipment Rental	13,000.00
Purpose: To provide sufficient funds for remainder of fiscal year.		
From 32-2-3100-0101	Spring Forest Road	$ 10,000.00
To 32-2-3100-0102	Spring Forest Road R/W	10,000.00
Purpose: Funding needed to acquire several residual parcels needed for the Spring Forest Road Project at Atlantic Avenue.		
From 01-2-1040-0001	Contingency	$ 1,450.00
To 18-2-0100-0219	Light & Power	1,450.00
Purpose: To supplement account to pay light and power bills.		
From 18-2-1000-0001	Amusement Reserve	$ 3,000.00
To 18-2-1000-0710	Optimist Pump & Motor	3,000.00
Purpose: To provide emergency backup pump and motor for Optimist Pool operations.		

From 38-2-3040-0100	Green Road	$ 1,095.00
To 38-2-3040-0104	Green Road D	1,095.00

Purpose: Four additional test borings to accurately evaluate the existing earth fill and subsurface soil conditions at Green Road Park Community Center site.

From 01-3-3100-0120	Surplus Reserve	$ 6,000.00
To 01-2-4040-0265	Other Services	6,000.00

Purpose: Drugs and information.

From 01-2-4020-0243	Clothing Allowance	$ 40,000.00
From 01-2-4020-0282	School Training	755.00
To 01-2-4020-0724	Office Equipment	40,755.00

Purpose: To purchase needed office equipment for the Police Department upon relocating to the Municipal Building.

From 84-2-1401-0000	North Area Lines	$ 500.00
From 84-2-1110-0000	54" Water Trans. Main	259,091.00
To 84-2-1407-0104	US 1 North Misc.	500.00
To 84-2-1407-0101	WS 1984-3	259,091.00

Purpose: To cover cost of advertising and other misc. costs on the US 1 North 24" water extension for Smoketree.

STREET IMPROVEMENTS - ATLANTIC AVENUE - RESOLUTION OF INTENT ADOPTED

To fulfill statutory requirements for road projects which involve assessments against adjoining properties, a public hearing is required at this time.

Recommendation: It is recommended that the Council adopt a Resolution of Intent to build Atlantic Avenue, 53 feet in width (b-b of curb) from the north end of Winton Road northward to Millbrook Road. The hearing should be held at the May 1, 1984, Council Meeting. Mr. Walters moved Administration's recommendation be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1984-487

A PRELIMINARY RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO MAKE STREET IMPROVEMENTS AS DESCRIBED HEREIN AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFOR AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, the City Council under the provisions of Section 6.44 of the Charter of Raleigh, Chapter 1184 of the Session Laws of North Carolina, 1949, as amended, is authorized to require street improvements without petition under the conditions therein set out; and

WHEREAS, the City Council finds that improvements as described herein are necessary in the public interest; that the owners of property abutting the improvements are willing or have failed to sign a petition for such improvements;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the following improvements be made and that the cost thereof be assessed against property abutting thereon pursuant to any by virtue of the provisions of Section 6.44 of the Charter of the City of Raleigh; Chapter 1184, Session Laws of North Carolina, 1949, as amended:

Installation of curbs, gutters, drains, and construction of Atlantic Avenue 53 feet back to back from the north end of Winton Road northward to Millbrook Road.

Section 2. The proportion of the cost in making the aforesaid street improvements to be assessed upon an abutting property owner to the extent that the same shall be assessable under the provisions of Resolution No. 280, as amended, shall be as follows: 100 percent of the total cost of said respective improvements which are assessable under Resolution No. 280 (i.e., the cost of one half of each street to be improved shall be assessed and charged against the lots and parcels of land abutting directly on the respective improvements, according to the extent of their respective frontage thereof by an equal rate per foot of such frontage exclusive of so much of the cost as is incurred at street intersections in improving street intersections; the remainder of the total cost including street intersections to be borne by the City of Raleigh).

Section 3. That property abutting on the street to be improved shall be connected with water mains, sewer mains, and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 4. That the terms and manner of payment of street improvement assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual

installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 5. That the said improvements shall be done by contract after due notice and advertisement for competitive bids in accordance with provisions of Section 6.11 of the Charter of the City of Raleigh and other pertinent provisions of the Charter and of the General Statutes of North Carolina.

Section 6. That a public hearing on all matters covered by this resolution shall be held on the 1st day of May, 1984, at 7 p.m., in the Council Chamber of the Municipal Building, in the City of Raleigh, North Carolina, or as soon thereafter as the matter can be reached.

Adopted: 4/3/84

HYDRILLA STUDY PROJECT - PROPOSED EXTENSION - AUTHORIZED

At its March 20, meeting, the Council approved a recommendation for a contract to continue the study of hydrilla infestation. The information on the Agenda indicated that the cost was $6,500. That information was incorrect. This study is for an additional 18 month period from January 1, 1984, to June 30, 1985. This period spans two City budget years. The cost for the remainder of this fiscal year is $6,500. The total cost for this study phase is $18,000 with the remaining $11,500 to be budgeted in 1984-85.

Recommendation: Because of the actual infestation problems in Lake Wheeler and the very strong potential of infestation in Falls Lake, it is recommended that the City support this project and authorize the execution of this contract for additional study.

Ms. Block indicated as she understands this recommendation and this study, it is just an experiment and we do not have a "cure" for hydrilla. Mr. Benton indicated there are a number of "cures" for hydrilla and explained that in different areas different things have been tried such as draw downs, chemical control and use of carp. Public Utilities Director Butler indicated draw downs probably has been the most effective, but it is less desirable when you are talking about a water supply because of the lack of certainty that we can refill the lake. Mechanical harvesting hydrilla was also discussed. Ms. Babb moved Administration's recommendation be upheld. Her motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

CIVIC CENTER PROJECT - EMPLOYMENT OF HASKINS AND RICE AND EXECUTION OF DESIGN SERVICE AGREEMENT - APPROVED CONDITIONALLY - FUNDS APPROPRIATED

The York-Hannover project includes a large underground parking garage. When the total project was being planned to utilize a UDAG Grant, it was intended to include an underground passageway from the parking facility into the Civic Center. When this approach was abandoned in November, 1983, the funding of the Civic Center connection was left without an answer. Since that time, the City Manager has asked the architectural firm of Haskins and Rice to estimate the cost for constructing an underground link from the parking facility to the Civic Center. (A copy of the report was included in the Council Members' Agenda packet.)

It should be noted that this concept does not include escalators or improvements to the second floor area. It is a minimum sized project to assure this connection.

The reason for pursuit of this item is that it will be very difficult if not infeasible to construct this facility after the Hannover project is built because of the narrow space between the Hannover project and the Civic Center. It is our conclusion that the project can be built now or would not be built in the future.

Benefits from this project involve the enhanced marketability of the Civic Center, improved attraction of the Radisson Hotel for conventions, and improved income from the parking facility which directly benefits the City since a share of the net income from this facility is allocated to the City.

Because of the pressure by York-Hannover to commence construction, a decision is needed. It will require 13 weeks to design and bid this project. Administration is working on a funding plan for the construction cost and should be able to submit this to Council within 30 days.

Recommendation: It is recommended that the City Council approve retention of the firm of Haskins and Rice to design this facility and authorize the execution of a design services agreement subject to approval by Administration. An approval of the necessary fund transfer would also be necessary.

It should be noted that the design agreement would have a provision that it would be terminated if the Council determines that construction funding is not available.

City Manager Benton explained it is felt that if we do not install some type underground pedestrian access from the parking facility to the Civic Center at this point, he does not feel that it can be done. He indicated the initial cost estimate is in the range of $488,000 to make this connection. He stated we have real problems in terms of our time schedule as York/Hannover is moving ahead expeditiously. He stated if we want to make the pedestrian access now, we have to move forward, but the

problem is he does not have a funding plan available. Mr. Upchurch indicated he saw this a couple of days ago and he did have some questions. He pointed out, however, we are in the process of constructing our cablevision facilities there and this should be considered also. He stated, at this point, he would encourage the Council to move forward with the Manager's recommendation. Ms. Block indicated she is beginning to be very concerned about how much money the City is spending, but also explained she was on the City Council when they decided that they could not build a parking deck at that time because of cost, but now she sees how much it is going to cost to construct one. She indicated she feels it is essential that we have access from the parking facility to the Civic Center; therefore, she would move approval of the Manager's recommendation. Her motion was seconded by Ms. Cates. Mr. Walters indicated he hopes eventually that we will see an escalator from the parking facility into the Civic Center. The motion, as stated, was put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

CITY MARKET PROJECT - REDEVELOPMENT PLAN RECEIVED - REFERRED TO THE PLANNING COMMISSION

It was pointed out as a part of the efforts to move forward with the City Market Project, the City has prepared a redevelopment plan. It would be appropriate for the Council to review the redevelopment plan and refer it to the Planning Commission for their review and recommendations by the April 17 Council Meeting. Assistant City Manager Wray indicated the City Market project is within the Downtown East area which has been identified by the City as a priority downtown project. He explained the project area, pointing out the proposed redevelopment project involves the acquisition of approximately six acres of commercially zoned property for the development of a speciality retail complex around the City Market. This proposed complex involves 70,000 square feet of renovated commercial space, 80,000 square feet of public open space and 300 parking spaces. The City's specific redevelopment actions include acquisition of approximately 40 parcels including 24 buildings and three parking lots, relocation of approximately 18 businesses, 4 residents and parking, clearance of approximately 8 buildings outside of the historic district and construction of the streetscape improvements along East Martin Street and Moore Square. The total estimated City cost is approximately $1,885,000. Fund sources are proposed to be from Federal revenue sharing and land sales. Total private development costs are estimated to be approximately $7,600,000 initially. It is proposed that the private development costs be financed in part with redevelopment bonds and an urban development action grant. Mr. Wray explained other City actions would include the closing of Blake, Parham and Wolf Streets and rezoning the project area from business to Shopping Center district. He explained subject to all of the subsequent action being approved, the project may commence by mid-1985. Brief discussion took place, after which, Mr. Congleton moved that the Council receive the redevelopment plan and refer it to the Planning Commission for their review and report back by the April 17 Council Meeting. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

NONE.

REPORT OF MAYOR AND COUNCIL MEMBERS

ZONING HEARINGS FOR MAY - SCHEDULED FOR MAY 15 AND 17

Mayor Upchurch indicated there are 30 zoning applications for the May hearing. He suggested that the ones in the southwest and west be heard on Tuesday, May 15 with the remainder being heard on May 17. Mr. Calloway moved the Mayor's recommendation be upheld. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

CITY COUNCIL FURNITURE - NEW MUNICIPAL BUILDING - REFERRED TO NEW MUNICIPAL COMMITTEE

Mayor Upchurch indicated that he had been discussing with Council Members the need to purchase some furnishings for the new City Council offices. He indicated he feels that there is a need for some new furniture with Ms. Cates agreeing that the Councillors should, at least, have book cases. Brief discussion took place and without objection, the furnishing for the new City Council offices was referred to the New Municipal Building Committee.

STUDENT GOVERNMENT MONTH - MINUTES - REFERRED TO THE LAW AND FINANCE COMMITTEE

Mayor Upchurch stated, without objection, he would like to refer to the Law and Finance Committee the Student Government Council Meeting minutes for the Law and Finance Committee to review the items to see if there are any of the suggestions they made that should be acted on by the Council. Without discussion, the item as stated was referred to the Law and Finance Committee.

SIGNS/BILLBOARDS - LETTER SENT TO COUNTY

Mayor Upchurch indicated Ms. Cates had given him a letter addressed to the Wake County Commissioners indicating that Wake County includes many important entrance ways into the City of Raleigh from Durham, Wake Forest, etc. Many travelers along these corridors base their opinions of Raleigh and Wake County upon the positive appearance which is observed from these thoroughfares. In order to protect the

appearance of these corridors, the Raleigh City Council would like to express their support to Wake County Commissioners and Triangle J Council of Government for any action which can be taken to minimize the sign and billboard clutter and to protect the existing vegetation and other aesthetic values which are found along these corridors. Mrs. Block moved approval of the letter being sent to the Wake County Commissioners as well as Triangle J. Her motion was seconded by Mr. Congleton and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

TORNADO VICTIMS - RESOLUTION OFFERING HELP - ADOPTED

Mayor Upchurch presented a proposed resolution relating to the recent tragedy in which much of eastern North Carolina was devastated by tornadoes. He indicated many of these small towns do not have the expertise and the staff needed to rebuild and he feels that Raleigh, as the Capital City, should take the lead and go on record as offering their support. He read the resolution in full, pointing out the last section of the resolution authorizing the City Manager to offer the technical assistance of this Administration and staff as well as any equipment support and expertise available and suitable to these local governments with the need for these services upon the request by their governing bodies. Mayor Upchurch indicated he feels the citizens of Raleigh would want the City to lend a helping hand this way. He stated possibly we have a piece of equipment or something we no longer need that they could use. Mr. Congleton indicated many towns will need expertise that Raleigh can provide, pointing out he, himself, is on call to represent his division of State Government if needed. Therefore, he would move approval of the resolution. His motion was seconded by Mrs. Block and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION 488

WHEREAS, in time of severe personal loss and harshest adversity, each and every one effected needs to know that there are others who care deeply about their tragedy and will offer their strength and support as well as the hand of friendship; and,

WHEREAS, last week, much of Eastern North Carolina was devastated by tornadoes which wrecked havoc in the lives of friends and neighbors and left far-reaching devastation in many areas; and,

WHEREAS, the widespread and extensive damage which occurred to public and private property alike, leaves a severely diminished economy as well as tragic personal losses; and,

WHEREAS, the Raleigh City Council wishes to go on record as offering their support and that of the entire City of Raleigh to those with such dire need in our stricken sister cities and towns; and,

WHEREAS, people in these areas will need and require the assistance of many individuals and governments in order to rebuild their homes, businesses, local government facilities, places of employment and their very lives.

NOW, THEREFORE, be it resolved by this body, the Raleigh City Council, that our deepest concern and sympathy be extended to these Eastern counties, cities and towns; and,

FURTHERMORE, authorize our City Manager to offer the technical assistance of this administration and staff as well as any equipment support and expertise available and suitable to those local governments with the need for these services upon request by their governing bodies.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Raleigh, North Carolina, to be affixed this Third Day of April, 1984.

/s/ Avery C. Upchurch
Avery C. Upchurch
Mayor
City of Raleigh

ISSUES AND CONCERNS - TO BE SENT TO CANDIDATES OF WAKE DELEGATION AND STATE-WIDE OFFICES FOR INFORMATION

Mayor Upchurch presented Council Members with a summary of what was discussed at Work Session. He indicated during the Work Session there was discussion about the possibility of sending questions to candidates to determine their stance on Raleigh's needs and concerns. He presented the following four items that he feels would be appropriate for anyone running for governor or any State-wide office to address or to look at. The statement was as follows: The City of Raleigh is presently faced with several pertinent issues and concerns in which other governments need to play a strong and responsible role. Solutions will only be forthcoming through effective, committed and creative decision-making by all groups involved.

DOWNTOWN REDEVELOPMENT: The urban areas of many cities and towns have been left to decay and deteriorate for one reason or another. With the advent of neighborhood, suburban shopping opportunities which accompanied urban sprawl, downtown areas were

left vacant and derelict -- in some cases gradually reverting to slum conditions. In most areas the necessary infrastructure for revitalization and redevelopment is already in place, which, with adaptive and innovative planning, can once again become a valuable asset to cities and towns. In Raleigh, we are well along in a successful effort for downtown revitalization which has already involved a strong partnership between the public and private sectors. Efforts need to be strengthened, however, in the area of future development of residential housing. In order to accomplish this, assistance must be forthcoming from other governments concerned.

As the Capital City of North Carolina, Raleigh belongs not only to its residents but to the entire populace of the State of North Carolina.

DOROTHEA DIX PROPERTY: Seldom is any city the size of Raleigh, afforded the opportunity to participate in the redevelopment of 1,480 acres of prime land close to a major university, its urban core, and a rapidly developing residential area. Through cooperative efforts, the best use of this land for all concerned can be determined. Of first consideration is the continued mental health care provided by the present facilities. Strong consideration also must be given to the future needs of an expanding North Carolina State University adjacent to this site. Further, the City of Raleigh must be involved in any consideration of other uses for this property. No use of this property should be made which is not compatible with the needs of the growing area and the City's Comprehensive Plan. No use should be allowed of this valuable resource which can diminish the existing responsibility to protect and nurture the University, Downtown Raleigh and existing neighborhoods.

TRANSPORTATION: In order for any town or city to grow progressively and productively, it must have good access. Vehicular circulation - the speedy and safe management of the movement of traffic to and through cities and towns - must be of utmost importance to all governments involved in the planning stages. The construction of major thoroughfares, collector and inner-city streets and their maintenance as well as the placement of bridges and inter-state highways, should enhance future growth and development. Roads which lead into a city or town do not stop at the city limits nor do the ones leading out stop at jurisdictional lines. The location of all elements of transportation - highways, bridges, city streets - can adversely affect the future growth of any city or expanding area.

HOUSING: With cutbacks in federal funding for public housing and assistance to low income families as well as high interest rates and inflation, some effort and consideration must be given to alternate solutions for housing this segment of our population. The State, County, Cities and Towns have a responsibility to fill the void. No one should be denied the privilege and opportunity to live in decent, safe and affordable housing. Additional public housing must be provided as well as funding made available for low income families with the desire and need to own their own homes. Alternative solutions to this problem is the responsibility of all governments.

Mayor Upchurch suggested that the Council adopt this as a statement of Raleigh's needs and a listing of items that need to be addressed by candidates for State-wide office or State legislature. Mrs. Block indicated she would like for a copy to be sent to each candidate for a State office and Wake County office. Lengthly discussion took place, after which Mrs. Block moved that these concerns be sent to all candidates for Governor, Lt. Governor, State-wide offices, as well as candidates for Wake County Commissioners. Her motion was seconded by Ms. Cates. Mr. Walters indicated he feels the Council needs to be careful not to be misunderstood. He indicated he did not see anything wrong with sending this information to any candidate and give them the opportunity to respond if they want to but not send it as a questionnaire. Mayor Upchurch indicated it would just be sent to say that these are issues that the City of Raleigh feel need to be addressed, not put it in the form of a questionnaire. Frank Jeter was in the audience and indicated he is a candidate for State-wide office and he feels that any candidate would welcome an opportunity to respond to these comments. Ms. Cates pointed out she feels that they are for very good issues and candidates always want issues to address. After other discussion, the motion, as stated, was put to a vote which resulted in all members voting in the affirmative except Mr. Walters who voted in the negative. Mr. Walters stated he was hoping that we would delete the part of the motion that indicated sending this to the County Commissioners. Mr. Upchurch indicated he was hoping this could be sent forth united. He stated he feels that these issues will be out in the open and anyone can respond who wants to. After brief discussion, Mrs. Block moved that the Council rescind the previous action and send the list of concerns to candidates for Governor, Lt. Governor, and State-wide offices - General Assembly. Her restated motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

TRANSIENT OCCUPANCY TAX - PROPOSED RESOLUTION - REFERRED TO THE LAW AND FINANCE COMMITTEE

Mayor Upchurch presented a proposed resolution relating to a transient occupancy tax. He read the resolution in full, indicating the main thrust of the resolution is as follows:

1. The City of Raleigh expresses its concern with the possibility that a bill may be introduced in the General Assembly which would provide for the establishment of a transient occupancy tax and an independent authority to receive and expend funds raised by this tax.

2. The City of Raleigh is opposed to the concept of a special agency or authority with the power to receive and expend a tax levied through authority of the State of North Carolina.

3. The City of Raleigh is anxious and willing to work with appropriate groups to develop proposed legislation to create the opportunity for a transient occupancy tax in Raleigh and Wake County.

Mr. Upchurch indicated he felt that this item should be brought forward and would suggest adoption of the proposed resolution. Mrs. Block moved approval of the proposed resolution with the deletion of Item 3 as read by the Mayor. Her motion was seconded by Mr. Keller. Brief discussion took place with Mr. Congleton questioning if this item could be held and voted on during the night portion of the meeting. By general consensus, it was agreed to hold action on this matter until the night portion of the meeting.

During the night portion of the meeting, Ms. Cates suggested the possibility of changing Item 3 of the resolution to indicate "The City of Raleigh is willing to work with . . .". Mayor Upchurch indicated he had no problem with that or with the resolution as proposed as it is his feeling that the proposed resolution will stimulate discussion. Ms. Babb indicated she does not remember this item being discussed by the City Council in formal session. Therefore, she did not feel that the City Council had taken a stance. She stated she is a little uncomfortable with the Council passing a resolution when she is not sure that the City Council, as a body, has adequately examined their position and options. She indicated that she, and she feels the Mayor agrees, there needs to be some type transient occupancy tax and she, herself, is not totally opposed to an independent authority being established. She suggested the possibility of some type quasi-authority, but pointed out the tone of this proposed resolution does not get into that. She stated, she as an individual, is interested in exploring some type public/private partnership and pointed out she is just not comfortable with acting on a major policy issue like this without discussion at Council level. Mrs. Block indicated, in her opinion, this is a good resolution if you take out proposal 3. She stated she felt that the Council could debate this from now until Christmas and not come to a consensus. Discussion followed as to the time frame involved with it being pointed out the General Assembly could act on this in short session, but that is not until June. Mr. Calloway suggested holding this and putting it on the April 17 Agenda as a special item. Lengthy discussion followed with various Council Members voicing their opinions with Ms. Babb indicating she is not entirely opposed to this approach, but she wanted the Council to sit down and explore the options available. She indicated no information has been given to the Council on the various options available so that the Council could work through the different proposals. She stated she would feel better about it if this matter is referred to a committee, maybe the Law and Finance Committee, to explore the different options, pros, cons, just study the matter and come back with a recommendation with Mr. Walters pointing out this matter is already in Intergovernmental Committee and the press here is to give the delegation the City's feelings. Mrs. Cates indicated she would like information as to what type money we are talking about, the City's ability to tax, how the tax could be spent, etc.

Lengthy discussion followed, after which, Ms. Babb indicated she would like to make a substitute motion. She pointed out before making the substitute motion, she would like to point out that something has been troubling her about the way the Council takes action. She stated she would like to see the City Council go on record, pointing out she was not asking for action tonight, to indicate when a general policy matter is discussed that the Council will not act on a major policy decision on the same night it is introduced. She referred to the Council's policy on appointments to various committees, commissions, and boards, pointing out the Council does not act on those the same night nominations are made. She again stated she would not ask the Council to act on that suggestion tonight, but she would like for it to be considered. Ms. Babb then made a substitute motion that the proposed resolution relating to transient occupancy tax be referred to the Law and Finance Committee to be looked at in terms of how other cities handle it, the pros and cons, the options available, etc. and to bring information to the Council on how much revenue we are talking about, what type restraints are placed on it, etc. She stated she would like this type information delivered to the Law and Finance, so that the Law and Finance Committee could bring a recommendation to Council. Her substitute motion was seconded by Mr. Calloway and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

CITY COUNCIL MEETING - MAY 1, 1984 - MAYOR EXCUSED

Mayor Upchurch indicated he would be out of town during the first regular meeting in May; therefore, he would like to be excused. Without objection, this was agreed to. Mayor Upchurch indicated the April 17 Council Meeting would be held in the new Municipal Building.

ZONING PROCEDURES - PROPOSAL ON ACCEPTING APPLICATIONS - REFERRED TO ADMINISTRATION

Mr. Walters indicated he has been concerned about the number of large zoning applications that come to the City. He indicated he was talking about the large cases in which the involved property owners are not parties or petitioners. He indicated he would like for Administration to look into the possibility of the Council establishing a procedure that the City would not accept a zoning request unless one more than one-half of the property owners involved agree to the zoning petition being filed. He indicated he would like to refer this possibility to Administration for report back to Council. Without objection, the item was so referred.

JOBS BILL - PROJECTS - ADMINISTRATION TO GIVE REPORT

Mr. Calloway asked that Administration provide the Council with an update or a status report on the projects that were to be undertaken by the Jobs Bill appropriation. He indicated he was particularly concerned with State Street, Walnut Creek, tributaries, etc. He stated the work has not commenced and he would like a status report on when this work would be done. Without objection, the item was referred to Administration.

CURBSIDE TRASH PICKUPS - ADMINISTRATION TO PROVIDE INFORMATION

Mrs. Block indicated as spring approaches many people are cutting shrubs and trees and piling them next to the curb for the Wednesday curbside trash pickup, not knowing that the City will not pick these up unless they are in containers or cut at certain lengths. She indicated many times these limbs and cuttings are piled up at the curb and left for many weeks. She indicated she feels that Administration should be directed to have a brochure that every sanitation worker has that can be provided so that when situations such as these are seen, rather than just leaving the trash piled next to the curb, that the property owner will be given information as to how it can be picked up. Mr. Upchurch indicated in addition we have a shredder for hire and a special trash pickup. Discussion took place with Mrs. Block indicating she wanted Administration to place something in the appropriate place to advise property owners of the services available and how the trash can be picked up. Without objection, the item was referred to Administration.

METHOD PARK - NAMING OF FACILITIES - REFERRED TO PARKS AND RECREATION ADVISORY BOARD

Mrs. Block indicated several years ago, the City acquired the property at Method Park and there was a question as to the appropriate name. She indicated the residents in the area would like to suggest that the Park complex be named the Method Community Park and that the agricultural building be named the Beryl O'Kelly Pioneer Building and the gym be named Havaleigh White Gym. Brief discussion took place, after which, Ms. Cates moved that this suggestion be referred to the Parks and Recreation Advisory Committee for report back to Council. Her motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

LAKEMONT LAKE - POSSIBILITY OF A STORM WATER DRAINAGE TAX DISTRICT - REFERRED TO ADMINISTRATION

Mr. Congleton indicated as all Council Members are aware he has been working with various residents on the Lakemont issue. He asked that the Council authorize the staff to investigate and prepare a report to determine if a storm water drainage tax district would be feasible for this area and report back to Council. He indicated he is not asking that this be initiated, he is just asking that staff be directed to come back to the Council with the feasibility of this possibility and at that point, the people would be provided the information and then a decision could be made as to how to proceed. He stated, at this point, he is just asking that the information be provided. His motion was seconded by Mrs. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

OPTIMIST POOL - CONCERNS EXPRESSED

Mr. Congleton indicated Council Members received a report from the City Manager relative to Optimist Pool and its operation. He indicated he had a couple of questions in terms of the three week transition period in the summer and fall. He indicated he understood the purpose but questioned if we have to have the same amount of staff during that time period with Ersell Liles, representing the Parks and Recreation Department, pointing out we do have a skeleton staff during the transition period. Mr. Congleton indicated the June 8 opening day coincides with school closing, but he was wondering during this period if it would be appropriate to open the pool for general admission on the weekends with Mr. Liles indicating that could be done if we have enough staff. He stated we did not have full staff until we get into the summer program, but pointed out if we do it at Optimist, we would have to do it everywhere else. He indicated it is the City's intent that Ridge Road would be open during that period. Discussion took place with Mr. Congleton indicating he feels we should look at this, pointing out we have made provisions for lap swimmers, etc. and questioned if the hours that have been established are creating problems for the other groups and handicapped individuals who need desperately to be able to use the pool during this time. He stated he feels that Administration should look at this very carefully and make any adjustments necessary to accommodate the groups. Mrs. Block indicated if the Parks Administration is having difficulty with the three week transition period, that Johnny Candler did tell lap swimmers that he would be willing to accommodate their needs if desirable. Brief discussion took place on the report provided by the City Manager with Mr. Congleton indicating he hoped that some accommodations or adjustments could be made to handle all the groups and meet the needs.

PRIVILEGE LICENSES - BRICKYARD - LIVE ENTERTAINMENT II - APPROVED CONDITIONALLY

Mr. Keller indicated he had been contacted by Dick DeAngelis who operates the Brickyard establishment in Mission Valley. He indicated they presently have a live entertainment one permit and they have applied for live entertainment two permit. He stated the Police report is not back; however, he had talked with the lieutenant in charge who is very familiar with Mr. DeAngelis and indicated he did not feel there would be any problem. Therefore, he moved that a live entertainment two permit be issued for the BrickYard contingent upon clear reports from Administration - Police and Zoning. His motion was seconded by Mrs. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT OF CITY CLERK AND TREASURER

PRELIMINARY ASSESSMENT ROLLS - VARIOUS - RESOLUTIONS ADOPTED

The following preliminary assessment rolls will be presented. It is recommended that the assessment rolls be adopted which would set a public hearing to consider confirmation of cost during the May 15, 1984, Council Meeting:

Sidewalk AR-199 - Kaplan Drive

Water AR-1010 - Boddie Drive

Sewer AR-1011 - Boddie Drive

Sewer AR-1012 - East of Duraleigh Road (Outside City Limits)

Water AR-1013 - North Hills Drive

Sewer AR-1014 - North Hills Drive

Mr. Congleton moved approval of the preliminary assessment roll setting the May 15 public hearings. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 489

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

SIDEWALK ASSESSMENT ROLL NO. 199

WHEREAS, by Resolution No. 1982-835 adopted by the City Council on 2-16-82 the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property assessable therefore;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed:

> Installation of sidewalks on the south side of Kaplan Drive from existing sidewalk to Indian Hills Subdivision.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $5,303.70.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting on both sides of the street. The basis for the assessment is front footage.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	LOCATION OF IMPROVEMENT	AMOUNT ASSESSED
Steven & Shelia Warrick	1	0035444	10	5101 Kalplan Drive	274.05
Vichien & Kornvika Tharasri	2	0057966	9	5105 Kaplan Drive	278.60
Edward F. Fulcher	3	0008625	8	5109 Kaplan Drive	339.00
Richard & Jeanie Liles	4	0014567	7	5113 Kaplan Drive	315.00
Benjamin D. Webb	5	0075294	6	5117 Kaplan Drive	363.00
Stephen & Francine Ewing	6	0049419	5	5121 Kaplan Drive	345.00
Laurence & Jerri Meisner	7	0069137	4	5125 Kaplan Drive	315.00
Astor Perry	8	0054445	3	1201 Pineview Street	577.85

F. B. Myers	9	0049934	1	1200 Pineview Street	506.10
Margaret M. Cox	10	0015337	13	5104 Kaplan Drive	276.50
George & Reba Worsley	11	0033832	14	5108 Kaplan Drive	315.00
Bobby & Peggy Hicks	12	0030476	15	5112 Kaplan Drive	280.00
Dennis & Jane Allen	13	0019702	16	5116 Kaplan Drive	315.00
John J. and Ann Jacobson	14	0044115	17	5120 Kaplan Drive	315.00
Lester R. Moton	15	0049431	18	5124 Kaplan Drive	227.50
David & Shirley Morton	16	0049285	19	5128 Kaplan Drive	261.10

Cost per Foot: $3.50

Section 4. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six per cent (6%) per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 5. That this Assessment Roll No. 199 is hereby ordered filed in the office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 6. That a public hearing will be held on the 15th day of May, 1984 at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 7. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 4/3/84

RESOLUTION NO. (1984) 490

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

WATER ASSESSMENT ROLL NO. 1010

WHEREAS, by Resolution No. 1983-260 adopted by the City Council on June 7, 1983 the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed:

Installation of approximately 460 feet of 6-inch water main in Boddie Drive from New Hope Church Road to dead end.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $5,974.21.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvements. The basis for assessment is front footage.

Section 4. That the following assessments are hereby declared against abutting property as follows: according to the average cost as determined by the City Council under authority contained in Chapter 315 of the North Carolina Session Laws, 1963.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	FRONTAGE ASSESSED	AMOUNT ASSESSED
C.C.B. Associates	1	0014391	-	170.0	$1,528.30
Jiles R. Boykin, Jr. & Wife Evelyn	2	0007465	2	70.0	629.30
Maurice I. Libby & Wife Mildred	3	0001988	3	106.0	952.94
Robert L. Hughes & Wife Rose	4	0034043	4	95.15	855.40
Ruth L. Joyce	5	0038032	5	47.87	430.35
Lynn C. Phillips	6	0054374	6	49.60	445.90
Kenneth Kua Shyh & Luo Reuy S. Huang	7	0019887	7	49.94	448.96
Sarah K. Smith	8	0037586	8	75.98	683.06

Cost per Foot: $8.99

Section 5. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually in the unpaid balance of the assessment.

Section 6. That this Assessment Roll No. 1010 is hereby ordered filed in the Office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 7. That a public hearing will be held on the 15th day of May, 1984 at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 8. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 4/3/84

RESOLUTION NO. (1984) 491

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

SEWER ASSESSMENT ROLL NO. 1011

WHEREAS, by Resolution No. 1983-260 adopted by the City Council on June 7, 1983, the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed:

Installation of approximately 460 feet of eight-inch sanitary sewer main in Boddie Drive from New Hope Church Road to dead end.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $8,326.69.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvements. The basis for assessment iS front footage.

Section 4. That the following assessments are hereby declared against abutting property as follows: according to the average cost as determined by the City Council under authority contained in Chapter 315 of the North Carolina Session Laws, 1963.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	FRONTAGE ASSESSED	AMOUNT ASSESSED
C.C.B. Associates	1	0014391	-	170.0	$2,130.10
Jiles R. Boykin, Jr. & Wife Evelyn	2	0007465	2	70.0	877.10
Maurice I. Libby & Wife Mildred	3	0001988	3	106.0	1,328.18
Robert L. Hughes & Wife Rose	4	0034043	4	95.15	1,192.23
Ruth L. Joyce	5	0038032	5	47.87	599.81
Lynn C. Phillips	6	0054374	6	49.60	621.49
Kenneth Kua Shyh & Luo Reuy S. Huang	7	0019887	7	49.94	625.75
Sarah K. Smith	8	0037586	8	75.98	952.03

Cost per Foot: $12.53

Section 5. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually in the unpaid balance of the assessment.

Section 6. That this Assessment Roll No. 1011 is hereby ordered filed in the Office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 7. That a public hearing will be held on the 15th day of May, 1984 at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 8. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 4/3/84

RESOLUTION NO. (1984) 492

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

SEWER ASSESSMENT ROLL NO. 1012

WHEREAS, by Resolution No. 1983-204 adopted by the City Council on April 5, 1983 the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed: Installation of approximately 2,740 feet of 8-inch sanitary sewer main within the Mangum property, located east of Duraleigh Road, beginning at the southern boundary of Laurel Hills southward 2,740 feet.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $48,034.78.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvements. The basis for assessment is footage abutting the project.

Section 4. That the following assessments are hereby declared against abutting property as follows: according to the average cost as determined by the City Council under authority contained in Chapter 315 of the North Carolina Session Laws, 1963.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	FRONTAGE ASSESSED	AMOUNT ASSESSED
The Villa Estates, Inc.	1	0072827	-	4,378.74	$48,034.78

Cost per Foot: $10.97

Section 5. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually in the unpaid balance of the assessment.

Section 6. That this Assessment Roll No. 1012 is hereby ordered filed in the Office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 7. That a public hearing will be held on the 15th day of May, 1984 at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 8. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 4/3/84

RESOLUTION No. (1984) 493

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

WATER ASSESSMENT ROLL NO. 1013

WHEREAS, by Resolution No. 1982-909 adopted by the City Council on May 4, 1982, the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed:

Installation of approximately 700 feet of twelve-inch water main in North Hills Drive from existing curb and gutter north of Kintyre Court northward to existing curb and gutter.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $11,273.94.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvements. The basis for assessment is front footage.

Section 4. That the following assessments are hereby declared against abutting property as follows: according to the average cost as determined by the City Council under authority contained in Chapter 315 of the North Carolina Session Laws, 1963.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	FRONTAGE ASSESSED	AMOUNT ASSESSED
Alex B. Andrews	1	0052086	-	563.49	$5,668.71
Alex B. Andrews	2	0052086	-	353.86	3,559.83
Ernest & Dorothy Johnson, Jr.	3	0035854	-	203.32	2,045.40

Cost per Foot: $10.06

Section 5. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually in the unpaid balance of the assessment.

Section 6. That this Assessment Roll No. 1013 is hereby ordered filed in the Office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 7. That a public hearing will be held on the 15th day of May, 1984 at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 8. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 4/3/84

RESOLUTION NO. (1984) 494

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

SEWER ASSESSMENT ROLL NO. 1014

WHEREAS, by Resolution No. 1982-909 adopted by the City Council on May 4, 1982, the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed:

Installation of approximately 400 linear feet of 8-inch sanitary sewer main in North Hills Drive from existing curb and gutter north of Kintyre Court, northward to existing curb and gutter.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $8,703.82.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvements. The basis for assessment is front footage.

Section 4. That the following assessments are hereby declared against abutting property as follows: according to the average cost as determined by the City Council under authority contained in Chapter 315 of the North Carolina Session Laws, 1963.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	FRONTAGE ASSESSED	AMOUNT ASSESSED
Alex B. Andrews	1	0052086	-	501.52	$4,619.00
Alex B. Andrews	2	0052086	-	316.65	2,916.35
Ernest & Dorothy Johnson, Jr.	3	0035854	-	126.87	1,168.47

Cost per Foot: $9.21

Section 5. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A 232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually in the unpaid balance of the assessment.

Section 6. That this Assessment Roll No. 1014 is hereby ordered filed in the Office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 7. That a public hearing will be held on the 15th day of May, 1984 at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 8. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 4/3/84

MINUTES - MARCH 20 COUNCIL MEETING - APPROVED

The City Clerk indicated Council Members received copies of the March 20, 1984 Council Meeting. There being no corrections, Mayor Upchurch announced the minutes approved as presented.

REQUESTS AND PETITIONS OF CITIZENS

SOUTHEASTERN MASTERS INTERNATIONAL TRACK AND FIELD DAY - USE OF CITY STREETS - AUTHORIZED CONDITIONALLY

The City Clerk indicated for a number of years the Parks and Recreation Department has worked with the Annual Southeastern Masters International Track and Field Championships and Distance Jamboree. She explained that this event utilizes certain City streets and are scheduled to be held on May 4, 5 and 6. She indicated this event has been conducted for several years along the same route and no difficulties have been experienced. The Police Department has no objection to the event being conducted as long as the sponsors employ four off-duty police officers for security and point control and provide any barricades and cones necessary. Brief discussion took place and Mr. Congleton moved approval of the event as outlined. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ADJOURNMENT

There being no further business, the meeting adjourned at 4:45 p.m. to be reconvened at 7:00 p.m.

Gail G. Smith
City Clerk

jb/cc/SP2